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ABSTRACT

This teacher's guide outlines effective strategies for using "Criminal Justice in America." This comprehensive textbook on criminal justice may serve either as the foundation for a high school law-related education course or as a supplemental text for civics, government or contemporary-issues courses. Designed to foster critical thinking and analytical skills, the book provides students with an understanding of the criminal justice system, its laws, procedures, and issues. It examines the controversial issues of victims' rights, the insanity defense, the exclusionary rule, police-community relations, mandatory sentencing, the death penalty, youth gangs, the causes of crime, and the effect of race on the criminal justice system. Through case studies, simulations, peer-teaching, decision-making and field activities, students clarify public policy issues, identify values and propose and evaluate solutions. In addition to classroom teaching strategies, "Criminal Justice in America" provides suggestions for field trips to courts and police facilities and for the use of resource persons. The teacher's guide contains advice for the six units: crime and its victims; police; criminal process; corrections; juvenile justice; and solutions. The guide offers teachers detailed background information on the criminal justice system, rich in charts and statistics. For student projects, the guide provides sample copies of a crime victim survey, a questionnaire on opinions toward the police, and other worksheets. In a final section, the guide contains test questions appropriate for the material. Contains general resources and resources for particular chapters. (JD)

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CRIMINAL JUSTICE IN AMERICA

TEACHERS GUIDE

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CRIMINAL JUSTICE
in
AMERICA

second edition

TEACHER'S GUIDE

Developed by

Marshall Croddy

Bill Hayes

Alan Friedman, *President, Constitutional Rights Foundation*
Jerome C. Byrne, *Chairman, Constitutional Rights Foundation Publications Committee*

DEVELOPED BY
Marshall Croddy

Bill Hayes

PRINCIPAL STAFF AND REVIEWERS
Todd Clark, *Executive Director*
Kathleen Kirby, *Education Director*
Elenor Taylor, *Director of Law and Government Programs*
Carolyn Pereira, *Executive Director, Chicago Constitutional Rights Foundation*
Diana Hess, *Associate Executive Director, Chicago Constitutional Rights Foundation*

EDITORS
Charles Degelman
Keri Doggett
Lisa Friedman

PRODUCTION
Gary Bernard, *Design & Typesetting*
Andrew Costly, *Editorial Assistant & Typesetting*
Navigator Press, *Printing*

CONSTITUTIONAL RIGHTS FOUNDATION
601 South Kingsley Drive
Los Angeles, California 90005
(213)487- 5590

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OVERVIEW

This guide is designed to support the teaching of the material contained in **Criminal Justice in America** *and provides information about the text, detailed descriptions of the variety of teaching strategies employed, suggested teaching sequences, activity masters, chapter and final tests, teacher background readings, and additional print and media resources to supplement the text. It is organized into the following sections:*

I. *The Text: A detailed description of* **Criminal Justice in America** *to give the teacher a quick overview of the purpose, curriculum goals, content and features of the text.*

II. *Classroom and Community Teaching Strategies: A description of the major teaching strategies utilized in the text providing a rationale, teacher tips, and needed preparation for their use both inside and outside the classroom.*

III. *Teaching Procedures: Suggested teaching procedures and support materials for each unit of the text organized on a chapter-by-chapter basis. Each chapter includes:*

- *An Overview;*
- *Objectives;*
- *Teaching sequences which utilize the readings and activities, and include suggested answers for discussion questions, exercises or activities; and*
- *Background readings for teachers to supplement the content contained in the text.*

IV. *Activity Masters: Glossaries of key legal terms and forms to support various exercises and activities designed for reproduction and distribution to students.*

V. *Test Masters and Answer Keys: Pre- and Post-Test Questionnaire, Test Masters and Answer Keys for each chapter, and a Final Test Master and Answer Key.*

VI. *Resources: Additional print and electronic curriculum and background materials for teacher and classroom use.*

I. THE TEXT

The second edition of *Criminal Justice in America* is the most comprehensive secondary text available on the subjects of criminal law, procedure and criminology. It can serve as a basal text for an entire law-related education course, or as a supplement for civics, government or contemporary-issues courses. The purpose of this six-section text is to provide students with an understanding of the criminal justice system and its laws, procedures and issues. In addition, *Criminal Justice in America* is designed to help students develop critical-thinking and analytical skills, and to assist them in applying the concepts learned in the classroom to real life situations.

The text uses facts, statistics and opinions for a balanced and informed presentation of timely issues and policy concerning: victims' rights, the insanity defense, the exclusionary rule, police-community relations, mandatory sentencing, the death penalty, youth gangs, the causes of crime, and the effect of race on the criminal justice system. Through case studies, simulations, peer-teaching, decision-making and field activities, students clarify public policy issues, identify values and propose and evaluate solutions.

Goals

The major goals of *Criminal Justice in America* are to help students:

- Recognize the major components of the criminal justice system, including the nature and definition of criminal behavior, the role and scope and limits of law enforcement, the assumptions and methods of the criminal case process, the philosophy and alternate methods of corrections, the nature and processes of treating the juvenile offender, and role of government and citizens in finding solutions to America's crime problems.
- Develop reasoned and supportable opinions on key issues facing the criminal justice system, including the treatment of victims, police-community relations, jury selection, sentencing, capital punishment, the treatment of juveniles, asset seizures, and the debate over the effect of race and ethnicity at key points in the system.
- Understand major constitutional protections of due process and equal protection as reflected in the processes of criminal justice.
- Evaluate the effect of constitutional provisions on criminal procedure, including protections against unreasonable search and seizure, coerced confessions or testimony, and cruel and unusual punishment, and the rights of the accused to counsel and a fair trial.
- Understand the function that people play by taking key roles in the criminal justice system, including law enforcement personnel, prosecutors, defense lawyers, judges, jurors, court personnel, probation and parole officers, appellate justices and legislators and special interest groups.
- Understand the role of legislative, executive and judicial public policy making and analyze and evaluate public policy options.
- Identify and analyze the societal problem of crime in terms of causes, effects, interventions, and its statistical and polemical basis.
- Develop greater capacity to become involved as citizens in addressing the problems and issues relating to the criminal justice system at the community level, including assessing opinion and conducting crime prevention projects.

Organization and Content

The material in the text is divided into six chapters and each chapter contains three or four units. The following provides a brief overview:

INTRODUCTION

An introduction overviewing the content areas of criminal law, procedure, justice, and criminology. Readers are challenged to take an active role in learning about the system.

c h a p t e r o n e

CRIME

- **Unit 1—Crime and Its Victims**—An examination of America's crime problem—focusing on its human victims and efforts to compensate them, its context in American history, and methods for quantifying the problem of crime.

- **Unit 2—Who are the Criminals?**—An examination of those who commit crimes, from the violent street criminal to the con artist to the white collar criminal. A special focus is given to youth gangs.

• **Unit 3—Crime and Defenses**—A basic primer in criminal law detailing how crimes are classified and defined, what elements constitute a crime, types of crime, and a special focus on homicide and legal defenses available to defendants.

chapter two

THE POLICE

• **Unit 1—Police and Society**—A survey of public attitudes about the police, the history of law enforcement and the day-to-day activities of the police.

• **Unit 2—Police and the Law**—An examination of how constitutional doctrines and criminal procedures effect the work of the police with a special focus on the law of search and seizure, interrogations and confessions, and the exclusionary rule.

• **Unit 3—The Limits of Police Authority**—An exploration of the use of force doctrine, controversies over allegations of police brutality, methods for policing the police, and proposals for better police -community relations.

chapter three

THE CRIMINAL CASE

• **Unit 1—Overview and Arrest**—An introduction to the criminal trial adversary process, the use of evidence to establish facts, the law of arrest, and the main roles and steps of the criminal trial process.

• **Unit 2—Pretrial**—A step-by-step immersion into the processes and issues of the pretrial, including the role of the defense attorney, the first judicial appearance, bail, prosecutorial review, and probable cause and arraignment hearings.

• **Unit 3—The Trial**—An in-depth coverage of all key steps of the criminal trial, including the courtroom setting, jury selection, opening statements, the use and rules of evidence, closing arguments, the judge's instructions, jury deliberations and verdict.

chapter four

CORRECTIONS

• **Unit 1—Corrections and Society**—An exploration of key concepts in the study of corrections: the rationale and theories of punishment, a brief history of corrections in America, and a review of major policy issues concerning sentencing of convicted defendants.

• **Unit 2—Alternatives to Prison**—An examination of the major alternatives to incarceration including fines, probation, community service and community corrections programs.

• **Unit 3—Prisons Today**—A look at America's prison system from the inside, its population and conditions, legal challenges to overcrowding and the problem of violence. Also a focus on the issues of parole and recidivism.

• **Unit 4—Capital Punishment**—An examination of the legal and political issues raised by the death penalty.

chapter five

JUVENILE JUSTICE

• **Unit 1—From Criminal to Delinquent**—How a separate system developed for young offenders, the underlying assumptions of that system, and how the emphasis from rehabilitation to punishment has shifted over time.

• **Unit 2—The Problem of Delinquency**—An examination of the concept of delinquency, the nature of status offenses, and the major steps in the juvenile adjudicatory process.

• **Unit 3—Children and the Constitution**—An exploration of the rights of juveniles as protected by key provisions of the Bill of Rights and how they differ from those that apply to adult offenders.

• **Unit 4—Juvenile Corrections**—A look inside juvenile corrections focusing on the various models for placing and treating offenders, the issue of waiving jurisdiction and transferring some juveniles to the adult system, and the controversy over applying the death penalty to juveniles.

c h a p t e r s i x

SOLUTIONS

• **Unit 1—The Causes of Crime**—An introduction to various theories about the factors that cause crime and the debates that they engender.

• **Unit 2—Crime and the Government**—An examination of the role of the federal and state government in finding solutions to the crime problem and debates over various policy options to reduce crime and to improve the fairness of the criminal justice system.

• **Unit 3—Crime and the Citizen**—Citizen options and issues relating to becoming involved in helping address our society's crime problem, including the history of vigilantism, crime in the schools, burglary prevention in the neighborhood, and local political action.

Features

The *Criminal Justice in America* text contains the following features to support teaching of the material.

• **Reading and Directed Discussion**—These narrative sections provide background information on the substantive aspects of the criminal justice system: law, procedures, and issues. In addition, many of these narratives provide data for use in an accompanying group or individual activity. Each reading is supported by a series of discussion questions to check comprehension, clarify content, and promote analysis and evaluation. In addition, where appropriate, these readings are supported by exercises to provide the learner with the opportunity to apply the concepts covered in the reading.

• **Class Activity**—A group or individual classroom activity to provide learners with an opportunity to gather more information on the topic, apply the concepts in the reading to realistic hypothetical situations, and practice analytical, critical- thinking and decision -making skills. Activities have been designed to provide a variety of learning strategies, including role -play, simulation, debate, and research. Many of the activities model real-life criminal justice decision -makers grappling with the problems encountered in their professions: the police, prosecutors, defense attorneys, judges, and probation and parole officers. Others demonstrate the role of legislative, judicial and executive policy-makers who make, interpret and enforce the law.

Additional features include:

• **Newsbreak**—A series of activities utilizing the local newspaper to investigate issues of crime and criminal prosecutions at the community level;

• **Ask an Expert**—A series of activities utilizing outside resource experts—lawyers, police officers, probation officers, judges—to find out how the criminal justice system works in the real world. In addition, many of the group activities lend themselves to having an outside resource person provide additional data and debrief the activity to compare the processes and decisions in the simulation with those operating in the local jurisdiction.

• **The Crime Beat**—In this series of activities, students take the role of crime beat reporters to research local law, procedures and issues to create background news stories for writing or extra credit.

Chapter 3—The Criminal Case—offers a set of unique features to provide students with a step-by-step guide to the investigative, pretrial, trial and verdict phases of a criminal trial. In addition to educating students about the major assumptions, laws, and procedures that govern the criminal trial, the chapter was specifically designed to help students prepare to participate in a mock trial experience or competition, or intelligently follow local criminal trials as they are reported by the media. Using the hypothetical "drive -by" homicide case of *People v. Carter*, the chapter includes these additional features:

• **Case Notes**, which provide an ongoing storyline covering the facts, characters and drama of the trial;

• **Key Steps**, which outline the law and procedures of the criminal pretrial and trial; and

• **Activities**, which put the students into the shoes of the key players of the trial, prosecutors, defense attorneys, judges and jurors, to make the arguments and decisions to settle the fate of the defendant.

II. CLASSROOM AND COMMUNITY TEACHING STRATEGIES

Central to good teaching is the use of interactive learning strategies including directed discussion, role play, simulation, debate, and research. *Criminal Justice in America* utilizes all of these methods and features special

applications modeling virtually every key procedure in the criminal justice system: mock trials and hearings, the work of legislative and policy-making bodies, and the decision-making functions of prosecutors, defense attorneys, jurors, judges, probation officers and parole boards.

In addition, *Criminal Justice in America* provides models for taking the learning process outside the classroom into the real world of the community. It contains opportunities for making field visits to criminal justice institutions such as courts and police facilities, conducting and analyzing opinion polls, doing outside research, and conducting crime prevention and police-community projects. These activities not only promote service learning, they also help students compare the theoretical to actual practices and learn about specific laws and procedures that apply to their own jurisdiction.

In reviewing the materials, you will note that instructions for conducting the various activities are built into the text. It is important that the teacher utilize as many of these learning opportunities as possible. They are designed to:

- Improve comprehension and concept building by giving the learner the opportunity to review the content covered and apply it to a problem or hypothetical situation in a meaningful and challenging way;
- Develop analytical and critical-thinking skills by making inferences, evaluating evidence, predicting consequences, weighing benefits and costs, identifying and generating alternatives, and stating and supporting opinions and decisions; and
- Connect the theoretical and abstract learning of the classroom to the real world domains of issue-oriented citizenship, including those of political and institutional decision making, policy formulation, and political participation.

The following is a brief guide to help teachers plan for and utilize the major teaching strategies employed in the text. It is recommended that teachers review these general guidelines before conducting the various strategies and refer back to them as required.

Classroom Strategies

DIRECTED DISCUSSION

Directed discussion is an essential component of classroom learning and especially important in civic and law-related education. It gives the learner an opportunity to check comprehension of the material, compare observations with other classmates, practice communication, develop confidence and practice higher order analytical and critical thinking skills. Each of the readings in the text is supported by questions to help teachers conduct directed discussions about the major terms and concepts it contains. However, depending on the skill levels of the class, the teacher may wish to add and ask additional questions, as necessary. Also, it is important to note that many opportunities for critical thinking and discussion are contained in the activities which follow many of the readings.

In discussing a reading or debriefing an activity, it is always important to employ effective questioning techniques, including proper "wait time," appropriate verbal and non-verbal cues, and necessary follow-up. It is also important that all students get the opportunity to answer questions which may require calling on less assertive learners, as necessary.

When a question calls for a personal opinion, encourage students to:

- Clearly state their opinion;
- Support it with facts, logical arguments and/or references to parallel situations and circumstances; and
- Clearly define the terms they use.

This will give students practice in stating and giving reasoned support for their opinions. It will also develop criteria by which students can judge the opinions of others.

Most readings in *Criminal Justice in America* conclude with suggested questions for conducting directed discussion. Teachers are encouraged to use these questions and add additional questions, if necessary. Sample answers for more technically oriented and higher order questions are provided for guidance.

COOPERATIVE AND SMALL-GROUP LEARNING

Cooperative and small-group learning gives students practice in communication, participation, teamwork, bargaining, sharing and compromise. In addition, these strategies help students of all ability levels learn more effectively. Research also has demonstrated that cooperative learning, in particular, improves comprehension and conceptual learning. Dozens of small group and class activities are incorporated into *Criminal Justice in America.* Many lend themselves to cooperative learning and teachers are encouraged to apply these techniques. To facilitate their use, the procedural steps of conducting the various activities are detailed in the text.

In general, to maximize student involvement in these activities:

- Construct groups to include a heterogenous mix of students. Consider academic and verbal skills, gender, ethnic and affective factors.
- Give students specific objectives; then give clear instructions for meeting these objectives.
- Limit your instructions to the task at hand. If students are unfamiliar with small-group work, divide the activity into several segments, each with its own objective. Give groups instructions for completing the first task. When that objective has been accomplished, proceed to the second task and so forth.
- Check student comprehension of instructions and goals before each segment of the activity.
- Circulate to monitor each groups' progress throughout the activity.
- Divide student tasks so that each individual must accomplish his or her task for the group to be successful in its final product. This provides individual motivation and promotes positive peer pressure.
- Encourage students to help one another in accomplishing individual tasks. Provide positive reinforcement for group accomplishments and for the contributions of individual members.
- Hold all students accountable for their groups' decisions, actions and reports to the class. Also, hold each individual in the group accountable for his or her work.

USING RESOURCE EXPERTS IN THE CLASSROOM

Classroom visits from informed professionals can be a valuable teaching tool. Resource experts serve as role models and make community institutions more familiar. Furthermore, research has demonstrated that effective use of outside resource persons is an essential component of law-related education programs designed to reduce delinquency.

Criminal Justice in America is designed to give teachers qualitative and consistent methods for utilizing outside resource persons. The Ask an Expert activities provide an ongoing structure for utilizing resource persons at key content points. Even more importantly, resource experts can provide additional content support to the substantive readings and should be encouraged to participate in a critique and debrief of activities in which students take on the various decision-making roles of the criminal justice system.

To assure the effective use of resource persons, balance in presentation and preparation are key factors. It is important that resource experts do not give an unrealistically glowing or gloomy picture of the criminal justice system. When dealing with controversial issues such as the exclusionary rule or sentencing, both sides should be presented. With many legal issues, it is often effective to balance a prosecutorial point of view with that of the defense bar.

Key to successful preparation of outside resource persons is integrating their expertise into your planned lesson or activity. Experts can serve as subject matter specialists to enrich the presentation provided or to explain differences in local laws and procedures. They can help students prepare for roles in a simulation from the point of view of a working professional. Using their own experiences, resource volunteers can help debrief the activity by comparing the decisions reached by the students with those reached in the real world.

Avoid using resource experts to give unstructured lectures or career advice. Some experts, inexperienced in working in an educational setting, have the tendency to talk over the students' heads or resort to "war stories." Such anecdotes, while interesting to the students, can give an inaccurate picture of the system. If desirable, set aside a short period at the end of the visit for a question and answer session to deal with such matters.

Identifying experts and arranging visits need not be difficult. The public information offices of local or state law enforcement agencies, the courts and bar associations are all good sources for contacting people from the justice system. Police departments often have community relations or educational officers who make school visits. Offices of elected officials usually provide constituent services and can identify appropriate speakers from government institutions. Finally, many local college or university faculties have criminal justice instructors or political science professors who specialize in law.

When you contact a resource person to make arrangements, be sure to:

- Explain the purpose of the visit. Briefly describe your lesson objectives and how the guest will support it.
- Place the visit in context. Explain the class' current field of study, your planned follow-up activities, etc.
- Describe the audience. Tell the resource person how many students will be present and briefly characterize their age, interests, and achievement levels.
- Specify the scope of the presentation, both in time and content. Be sure this reflects the grade level, maturity,

and attention span of your class.

- Request specific dates and times. Suggest two or three alternatives from which your guest can choose. (Many resource persons require at least three weeks advance notice.)
- Be sure the visitor has the correct address, appropriate directions, and parking instructions.

After arranging the visit, confirm it with the principal and other appropriate personnel. It is probably wise to get final confirmation from the resource expert a few days before the presentation.

To make the visit most effective:

- Prepare the class. Discuss the purpose of the visit and provide basic information about the resource person. Having the class compile a list of questions to ask the expert at the conclusion of the lesson is a useful activity.
- Remember that resource experts are not trained teachers. During the presentation, you may need to direct both the guest and the class with appropriate questions and other cues or intervene to ensure students are on-task and respectful.
- Allow sufficient time at the close of the class for a summary of the presentation and a thank you to the guest. Thank you letters are greatly appreciated by speakers and can easily serve as a language arts lesson.
- In addition to the de-briefing questions in the following materials, ask students to comment on what they learned from the experience and how it influenced their views about the speaker's profession or topic. Encourage their constructive suggestions for improving such experiences.

PEER TEACHING

With peer teaching, young people are able to practice and apply their research and communication skills while improving their self-esteem. By taking on the responsibility of teaching, students can benefit from one another's knowledge, attitudes and experiences. Peer teaching can occur in nearly any group learning situation, but is most successful when students instruct those younger than themselves.

"To teach is to learn twice over," so the saying goes, and the most essential part of peer teaching is that the student must thoroughly learn, then demonstrate his/her knowledge of the subject matter at hand. Peer teaching stresses planning and organization skills. Educators should assist students in developing presentation and teaching skills.

HANDLING CONTROVERSY IN THE CLASSROOM

The materials in the text are designed to stimulate the active involvement of students by using methodologies which stress participation. This is particularly true when discussing issues of public policy and criminal justice. As such, some of the hypotheticals are inherently controversial. These were developed for two reasons: 1) to provide a realistic context for the discussion of the criminal justice system; and 2) to generate critical thinking, debate and analysis on the part of the students.

If controversy becomes apparent in your classroom, clarify the nature of the disagreement:

- Identify the issue or issues under dispute;
- Identify areas of agreement and disagreement;
- Identify underlying assumptions;
- Make sure students concretely define terms and avoid slogans.

The process of definition may bring the subject to closure. If not, use an appropriate strategy for addressing the controversy, such as a discussion, research, formal debate, an anonymous writing assignment, private or public mediation, or a forced perspective activity in which students must argue an issue from the "other" side. Note that some of these activities can be prepared or completed outside of the class without serious disruption to your schedule.

Whatever strategy you use, be sure students follow certain ground rules:

- They must argue ideas, not personalities or prejudices;
- They must represent the opposing position(s) fairly and accurately;
- They should demonstrate an attempt to understand the opposing perspective(s);
- They should be able to admit doubts and weaknesses in their own position; and
- Above all, the argument should concentrate on evidence.

Students should look for a chance to air their own views, hear their opponents' views, and examine both. Be

sure students understand that closure of a controversy does not mean one side wins.

Community Strategies

FIELD ACTIVITIES

Field activities can be completed as a class or students can visit places in small and independent groups of two to six. Either way, field activities increase student interest and actively involve them in the learning process. They also acquaint students with how the law and the criminal justice system work in their own communities, what specific problems relating to crime the community faces, and how students might help in dealing with the problems. In short, field activities can be the essential first step to both effective service learning and citizenship.

Organization and pre-planning are essential to getting the most out of field studies activities. Make certain students establish goals (what they want to get out of this visit) and prepare questions to ask while on site.

Here are some tips for successful field activities:

1. The group or institution to be visited should be contacted by the teacher at least two weeks in advance. Summarize the purpose of the visit and identify the staff available to meet with the students. Provide vital information, such as: number of students, their age and grade level. One day before the visit, call and confirm the appointment with the organization. It is useful to involve students in this process so that they can take a greater responsibility for future arrangements.

2. Prepare the students for the visit. Brief them on the proper dress and behavior expected of them outside the classroom. Help them develop questions to ask on site. The answers to the questions can serve as the basis of a report back on the activity to be given in class and/or for credit.

3. Students who are allowed to complete their field activities unsupervised should be chosen with regard to their past behavior. If parental consent is necessary, prepare students with proper forms. While many field visits can be arranged for non-school hours, help make arrangements for permission for excuses from other classes, if necessary. Transportation arrangements should be discussed and confirmed.

4. After the visit, discuss the activity by using de-briefing questions, such as: *What happened during the visit? How did it affect your view of the criminal justice system? What major insights about the system did you gain? Did you encounter any problems during the experience? How could this field activity be improved?*

POLLING ACTIVITIES

Polling activities help students understand the role of public opinion in formulating and debating public policy. They also give students a "real world" view of community opinions, attitudes and perceived problems. Several suggested polling activities are contained in *Criminal Justice in America* and are designed to assess community opinion about a range of issues.

1. Before Conducting a Polling Activity: Lead a class discussion on the role opinion gathering plays in our society. Then discuss some of the practical considerations of opinion sampling. For example:

- Help students understand the purpose of sampling by discussing the difficulties of polling every member of a community. Ask the students to decide what their collective sample should be. Make sure that students understand that the results of their poll, given the statistical sample, probably will not be scientifically valid, but can give a rough indication of opinion.
- Discuss the general rule of polling: Every person in the "universe" they're seeking to assess should have an equal chance of being polled. For example, if their "universe" is the school, grades 9-12, the poll should not just be given in senior homerooms.
- Using the school poll example, explain that the number of students sampled by grade also should be proportional to their size in the "universe." For example, if 150 students are to be asked to fill out the questionnaire, and 30% of the students in the school are juniors, then roughly 45 (30% of 150) of those questioned should be juniors.
- Review the "Tips for Polling" listed on the student handout and, if time allows, have the students practice role-playing before they ask people to fill out the questionnaire. As practice, conduct the poll with the class as the universe and have students work in pairs to poll one another. The results of this poll can serve as a baseline comparison to school-wide or community results.

2. Conducting the Poll: Based on the sample, each student should be given a specific number of subjects to poll. For instance, using the example from above, assuming a target of 150 subjects and a class size of 30, each student should poll five students. Polling could be conducted during lunch, after school, during a weekend or between class periods. Instruct students to complete their polling by the next class session.

3. Tallying the Poll Results: A fast method for tallying is to reassemble the class in their assigned poll

taking groups. Have each group tally its questionnaires. Then, combine the group tallies for the class as a whole.

4. Debriefing the Poll Results: One interesting way to debrief this activity is to compare results among the various groups polled. Pay particular attention to the class with school-wide or community results. This can be done on an item-by-item or on a selected item basis. Ask students to try to explain the differences in results. Also, debrief the polling experience with questions such as:

- What problems did you encounter when conducting the poll? How did you overcome these problems?
- How did it feel to conduct the poll? How cooperative were your subjects?
- Did any of your opinions change as a result of conducting the poll? Why or why not?
- Based on your experience, is polling a valuable way to assess public opinion? Why or why not?
- If you were to conduct another poll, what would you do differently? The same? Why?

III. TEACHING PROCEDURES

Initial Recommendations

Before beginning instruction on *Criminal Justice in America*, it is recommended that the teacher:

- Identify several potential outside resource people, such as a lawyer and a police officer, who can support instruction on the material and serve as a content resource person.
- Thoroughly review the readings and activities in each of the chapters.
- Determine whether to teach the entire text, specific chapters, or parts within chapters. Factors in making this determination might include your curriculum goals, the instructional time available, the ability level of students and their familiarity with small-group work. When you have made the selection, estimate the amount of time necessary to adequately cover the material and plan accordingly.
- Adequately prepare each lesson by reading each article, reviewing and adjusting the questioning strategy, and reviewing activity procedures which are provided in the text. These give clear instructions for both the teacher and the students. It is important to review them in advance, and with the students in class, before conducting the activity.
- When preparing for a lesson, please note that model answers are provided in many, but not all, cases. Answers are provided for exercises or questioning sequences in which students are required to apply concepts of a technical legal nature. They are generally not provided for answers readily apparent from the text, or for those questions asking students to state and support their own opinions. These questions are best evaluated by the teacher based upon the information provided.
- If desirable, assess students' general attitudes about the criminal justice system by reproducing and distributing copies of the **Pre- and Post Questionnaire**. This instrument can also be administered at the conclusion of the study to determine changes or shifts in attitudes.

Teaching Sequence

The following sections, organized chapter-by-chapter, describe a recommended teaching sequence for the material contained in *Criminal Justice in America*. In most cases, each lesson sequence will contain at least one reading and discussion and at least one classroom activity. In many cases, however, additional readings and activities are included for further exploration. In using the sequence, please note the following symbols and their meanings which are used throughout:

This symbol means that an ***activity master*** supports the reading or activity which can be reproduced for distribution to students. They are designated by number and can be found in section IV-activity masters. The first activity for each chapter is called Legal-Ease and consists of a glossary of key legal terms. This activity master can be distributed after students read the introduction. It will support their study of the rest of the chapter.

This symbol means that a ***resource person*** is recommended for conducting this lesson. However, only those activities designated "Ask an Expert" actually require a resource person.

This symbol means that this reading, feature or activity, while recommended, is ***optional***.

Introducing the Text

Preparation:

- Review the Introduction to the text.
- Bring to class six or seven recent editions of your local newspaper complete with all sections and five or six pairs of scissors or marking pens.
- Sufficient copies of Activity Master 0.1 **Newsbreak**.

Procedures:

1. Introduction: Briefly overview the purpose for a study of the criminal justice system based on the rationale provided in this teacher's guide. If desirable, also cover the goals of the study as described on page 2 of this guide.

2. Focus Activity: Crime and Popular Culture Brainstorm—Ask students to think of a movie, book, song or television show that has something to do with crime. Students should give the title or description of the work. Then ask: Why do you think crime is such a popular subject? Encourage students to state and support an opinion. Explain that writers and artists have long been fascinated by crime, the police, criminals, criminal trials and prisons and that their study of criminal justice will help them learn about the reality of these issues.

3. Reading and Discussion: Have students read the introduction to the text on page iv. Write the terms Criminal Law, Criminal Procedure, Criminal Justice System, and Criminology on the board. Ask students to give definitions of each and demonstrate their understanding of the terms by providing examples for each. Discuss any questions they might have.

4. Activity: Newspaper Crime Search

Step 1. Explain to students that issues of criminal justice are not only a popular subject for fiction, but that they are of primary interest to the news media as well. Newspapers, news magazines, television news broadcasts and documentaries often cover issues of crime and are an excellent resource for a study of the subject.

Step 2. Write the following headings on the board, Crime, Police, Criminal Trials, Corrections, Juvenile Justice, and Solutions. Explain that each heading corresponds to one of the chapters in the text. Then distribute Activity Master 0.1 **Newsbreak** and review the descriptions with students.

Step 3. Divide the class into groups of four to five students and give each group a newspaper (or give each group one of the major sections of the paper).

Step 4. Instruct students to work in their groups to skim newspapers for articles, features, cartoons, photos, movie or book reviews, and advertisements that fit into the categories. Each one found should be clipped or circled with a marking pen and categorized.

Step 5. Debrief the activity by having each group report on three items from each category, stating why they decided to place the items under those headings. (Note: items may legitimately fit into more than one category.) Then ask:

- What percentage of your newspaper is devoted to crime issues?
- What percentage of your items fell under the "solutions" category?
- Why do you think the media pays so much attention to crime?

5. Follow-up Activity: The Newsbreak activity can serve as an ongoing individual activity for credit or extra credit. As they progress through the text, students can use the categories to collect items and prepare: 1) scrap books, or 2) a class bulletin board or collage.

6. Additional Resources: Also included are two additional Activity Masters for optional use. Activity Master 0.2 **Research Activities for Enrichment and Extra Credit** outlines individual research and reporting activities students can complete for the first four chapters of the book. Activity Master 0.3 **Opinion Surveying** provides background information and tips for review by the teacher and student before conducting any of the survey activities throughout the book.

Chapter 1: Crime

Overview: A three-unit chapter focusing on crime victims, compensation, and a historical perspective on violent crime; violent and non-violent criminals including gangs and white collar offenders; and the definition of crime in terms of elements, types of crime, and defenses to criminal charges.

Objectives: By the completion of this chapter, students should be able to:

1. Describe the effects of crime on victims of rape, robbery and fraud;

2. Identify restitution and compensation as methods for addressing the plight of victims;

3. Demonstrate a historical awareness of America's crime problem by comparing current conditions with those which existed in the past;

4. Compare two methods of measuring America's crime rate;

5. Identify and describe violent street gangs and white collar criminals as significant contributors to America's crime problem;

6. Distinguish between felonies and misdemeanors and give examples of each.

7. Analyze criminal conduct in terms of act, intent, concurrence of act and intent and causation;

8. Describe and distinguish among four common homicide crimes; and

9. Identify and describe self-defense, insanity and entrapment as affirmative defenses to criminal conviction.

INTRODUCTION

1.2

UNIT 1: CRIME AND ITS VICTIMS

LESSON SEQUENCE 1

• **Who are the Victims?:** Introduction to readings about crime victims. (p. 2)

• **Victims of Violent Crimes:** Reading and discussion about victims of rape and robbery, including personal accounts of two victims. (p. 3)

Ask an Expert: Class invites a representative from a rape crisis center or a rape counseling officer from the police department to discuss rape.(p. 3)

LESSON SEQUENCE 2

• **Victims of Property Crimes:** Reading and discussion about victims of two property crimes—burglary and fraud—and the personal account of two victims. (p. 6)

Newsbreak: Students examine media coverage of victims of crimes. (p. 4)

LESSON SEQUENCE 3

• **Helping Victims of Crime:** Reading and discussion about victim compensation programs. (p. 7)

• **Class Activity: The State Board of Control**—Based on given criteria, students reach decisions on whether to award compensation to victims in given hypothetical cases. (p. 9) 1.2

• **Activity: Community Awareness Project**— Students research to find out what services are available locally for crime victims and report their findings. (p. 9)

LESSON SEQUENCE 4

• **The Push for Victims' Rights:** Reading and discussion about federal and state laws and proposals for protecting crime victims. (p. 11)

Ask an Expert: Class invites a prosecuting attorney to discuss victim services and rights in your state. (p. 11)

LESSON SEQUENCE 5

• **A Look Back:** Reading and discussion about the history of violent crime in America in comparison to current perceptions about America's crime problem. (p. 13)

• **How Much Crime Is There?:** Reading and discussion about the two primary measures used to report and analyze the nation's crime problem—the Uniform Crime Reports and the National Crime Victimization Survey— and the trends they report in violent crime. (p. 17)

• **Class Activity: Crime Victim Survey**—Students conduct a survey about victims of crime in their own community. (p. 19) 1.3

UNIT 2: WHO ARE THE CRIMINALS?

LESSON SEQUENCE 1

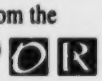
• **Youth, Gangs, and Violence:** Reading and discussion about the nature, behavior and types of youth gangs in America from both a historical and contemporary perspective. (p. 20)

• **Class Activity: Take Back the Park**—In a role-play, students take part in a policy debate before a hypothetical city council over a proposed ordinance to ban gang members from municipal parks. (p. 23)

LESSON SEQUENCE 2

• **Swindlers and Con Artists:** Reading and discussion about white collar criminals C. Arnholt Smith and Charles Keating and on other fraudulent schemes which victimize thousands each year, including the Pigeon Drop, Bank Examiner Swindle, Widow Scheme, Murphy Game,

Badger Game, The Luxury Tax Scam, and Telephone Boiler Rooms. (p. 24)

Ask an Expert: Class invites an officer from the bunco squad to discuss con games. (p. 25) 

UNIT 3: CRIME AND DEFENSES

LESSON SEQUENCE 1

• **Criminal Justice and the Branches of Government:** Reading and discussion about the role of the three branches of government in the criminal justice system. (p. 29)

Ask an Expert: Students invite a criminal attorney to discuss legislative, executive, and judicial agencies in their state. (p. 30)

LESSON SEQUENCE 2

• **The Basics of Crime:** Reading and discussion about the sources of criminal law and the classification of crimes into felonies and misdemeanors. (p. 28)

• **Class Activity: Felony or Misdemeanor?—**In pairs, students evaluate whether certain actions should be crimes, and if so, whether they should be felonies or misdemeanors. (p. 30)

Crime Beat: Students research to find out how their state classifies crimes and what penalties are imposed. (p. 31)

LESSON SEQUENCE 3

• **Ingredients of a Crime:** Reading that describes and explains the four elements of all crimes—act, intent, concurrence of act and intent, and causation. (p. 32)

• **Class Activity: Did They Commit Crimes?—**Students apply the four elements to hypotheticals to determine whether criminal conduct has taken place. (p.33)

Answers to Class Activity

Case 1: Tim: All four elements of battery are accounted for.

Case 2: Karen: The act and causation are present. Karen had the intent two months previous to the act, she denies she had the intent when the act happened. So the problem area is the concurrence of act and intent. A judge or jury would have to decide.

Case 3: Ray: All the elements are present. The only problem area is intent. But it seems like criminal negligence to clean a loaded gun pointed toward children at play.

Case 4: Gina: All the elements are present.

Case 5: Gayle: Three of the elements are clearly present. Causation presents a problem. There was an intervening act (negligence or malpractice) that caused Mary's death. Gayle probably could not be convicted of murder.

LESSON SEQUENCE 4

• **Murder Most Foul and Other Crimes:** Reading and discussion about types of crimes with a special focus on homicide and various property crimes. (p. 33)

Crime Beat: Students research to find out about their state's laws on homicide and property crimes. (p. 34)

• **Class Activity: Death in the School Halls—**Students apply their knowledge about the elements of homicide to a hypothetical case to determine what crime was committed. (p. 36)

Answers to Class Activity

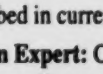
Murder: Probably not, because it is difficult to establish malice aforethought since the gun accidentally discharged.

Felony murder: This may be a valid theory. Adam was attempting to kill Rick (a felony) when he killed another person by accident.

Voluntary manslaughter: Unlikely. Adam had sufficient time to cool off after he was seriously provoked by Rick.

Involuntary manslaughter: All the elements are present. Rick was engaged in an unlawful act—carrying a gun on school premises—and by doing so he was criminally negligent. A killing resulting from the negligence would constitute involuntary manslaughter.

Newsbreak: Given criteria, students analyze crimes described in current event articles. (p. 36)

Ask an Expert: Class invites a criminal lawyer to discuss definitions of crimes in news articles. (p. 37) 

LESSON SEQUENCE 5

• **Legal Defenses to Crime:** Reading that describes and explains the affirmative defenses of insanity, self-defense, and entrapment. (p. 37)

• **Class Activity: The Insanity Defense**—Students apply the four insanity tests to a hypothetical case. (p. 40) R

Answers to Class Activity

1. *M'Naghten* Rule: No. There is no evidence that Mark either did not know what he was doing or that he did not know it was wrong.

2. The Irresistible Impulse Rule: Yes. If Mark's statement is true, he was acting under an insane impulse and couldn't control himself.

3. The *Durham* Rule: Yes, if it could be shown that Mark's act was the product of mental disease or defect.

4. *Model Penal Code* Test: Yes, if it could be shown that because of a mental disease or defect that he lacked substantial capacity to conform his conduct to the requirements of the law.

• **Class Activity: What Defense is Valid?**— Students apply the elements of the defenses of insanity, self-defense, entrapment to hypotheticals to determine whether a defense could be raised. (p. 41)

Answers to Class Activity

Peter Hope
Insanity: No evidence but a possibility.
Self-defense: No. Force used was not reasonable.
Entrapment: No.

Martha Heart
Insanity: No evidence.
Self-defense: No.
Entrapment: Valid. The officer clearly put the idea in Martha's head.

Karen Sanchez
Insanity: No evidence.
Self-defense: Possible. It depends on whether her belief about the salesperson was reasonable under the circumstances. That it was wrong is not crucial.
Entrapment: No.

Crime Beat: Students find (1) their state's definition for insanity and (2) definitions and examples of the defenses of infancy, intoxication, necessity, and duress. (p. 41) O

• **Class Activity: Debate on Insanity**—Students write an essay on the statement: *The insanity defense should be abolished.* (p. 41)

BACKGROUND READINGS

The characteristics of crimes measured by the NCVS may be grouped into two overall categories: (1) the settings and associated circumstances under which the offenses occurred (time and place of occurrence, number of victims and offenders, and weapons used) and (2) the impact of the crimes on the victims, including self-protective measures, physical injury, economic loss, and time lost from work. The first category is based on incidents while the second one is based on victimizations.

Number of victims

•In 1991, 10% more violent crime victimizations than incidents were collected by the survey (table 56).

•The vast majority of violent crimes were committed against one individual only (92%). When a violent incident did involve more than one victim, most commonly two victims were present (table 57).

Time of occurrence

•Personal crimes of theft were significantly more likely to occur during the day, between 6 a.m. and 6 p.m., than at nighttime, while household crimes more frequently occurred at night. Likewise, violent incidents were also more likely to occur at night (table 59).

•While violent incidents occurring at night most frequently had been committed between the hours of 6 p.m. and midnight, household crimes were more likely to have been committed sometime between midnight and 6 a.m. (table 59).

•Robberies and assaults in which the offender or offenders were armed were more likely to occur at night than during the day (table 60).

•Violent crimes committed by a stranger were more likely to occur at night than during the day (table 61).

•When the offender was a nonstranger violent crimes were more likely to occur during the day than at night (table 61).

Place of occurrence

•The largest proportion (23%) of violent incidents occurred on a street away from the victim's home. Four out of every ten robberies took place on the street. The victim's home, a friend's, relative's or neighbor's home, a parking lot or garage, were also common places for violent crimes. Twenty-seven percent of rapes occurred in the respondent's home, while an additional 20% occurred in a friend's, neighbor's or relative's home. Approximately 1% of violent incidents were committed on public transportation or inside the station (table 62).

•The most common place for a motor vehicle theft to occur was in a parking lot or garage (36%). Other common areas for these thefts included places near the victim's home, such as a driveway, and the street near the victim's home (22% and 21%, respectively) (table 62).

•The largest proportions of armed robberies and armed assaults occurred on a street away from the victim's home, however, eight percent of these robberies and 11% of the assaults occurred in the victim's home (table 63).

•Violent crimes involving victims and offenders who were strangers to each other were most likely to take place on the street, while violent crimes involving persons who knew each other were most likely to occur in the victim's home (table 64).

•About half of all violent incidents occurred five miles or less from the victim's home. Only 3% took place more than fifty miles from home, and a quarter took place inside or near the victim's home or lodging (table 69).

Victim activity

•At the time of a violent incident, victims were most likely to have been taking part in some type of leisure activity away from home, such as patronizing a restaurant or nightclub. Participating in an activity at home (other than sleeping) was also common (table 66).

•For crimes of theft, the two most common activities for victims at the time of the crime were leisure activities away from home and working (table 66).

Number of offenders

•The majority of violent incidents were committed by a lone offender. However, rapes were significantly more likely to involve only one offender than assaults which, in turn, were more likely than robberies to involve a lone offender (table 70).

•Violent crimes committed by strangers were more likely to involve multiple-offenders than crimes committed by nonstrangers (table 70).

Use of weapons

•One in every five rapes and 55% of robberies involved an offender with a weapon (table 71).

•Violent incidents that were committed by a stranger were more likely to have involved weapons than violent crimes in which the victim and offender knew each other (table 71).

•Strangers were more likely to arm themselves with a firearm than nonstrangers in violent crimes (table 72).

•Nonstrangers were somewhat more likely to use a knife in a violent incident than were strangers (table 72).

Source: *Criminal Victimization in the United States, 1990.*

Uniform Crime Reports (UCR) and the National Crime Survey (NCS) are the main sources of national crime statistics

National crime statistics focus on selected crimes

The two sources, UCR and NCS, concentrate on measuring a limited number of well-defined crimes. They do not cover all possible criminal events. Both sources use commonly understood definitions rather than legal definitions of crime.

The UCR Index shows trends in eight major crimes

In 1927 the International Association of Chiefs of Police (IACP) formed a committee to create a uniform system for gathering statistics on crimes known to the police. The goal was to develop a national system of statistics that would overcome variations in the way crimes were defined in different parts of the country.

Because of their seriousness, frequency of occurrence, and likelihood of being reported to the police, seven crimes were selected as the basis for the UCR Index. This index evaluates changes in the volume of crime. Arson was added as the eighth UCR Index offense in 1978.

The NCS provides information about victims and crimes not reported to police

In 1973, to learn more about crimes and the victims of crime, the National Crime Survey began to measure crimes not reported to police as well as those that are reported. Except for homicide (which is well reported in police statistics) and arson (which is difficult to measure using survey techniques), the NCS measures basically the same crimes as the UCR. Both the UCR and NCS count attempted as well as completed crimes. NCS does not measure commercial crimes.

The portraits of crime from NCS and UCR differ because they serve different purposes and are based on different sources

These are some of the more important differences in the programs, thought to account for much of the difference in resulting statistics:

How do UCR and NCS compare?

	Uniform Crime Reports	National Crime Survey
Offenses measured:	Homicide Rape Robbery (personal and commercial) Assault (aggravated) Burglary (commercial and household) Larceny (commercial and household) Motor vehicle theft Arson	Rape Robbery (personal) Assault (aggravated and simple) Household burglary Larceny (personal and household) Motor vehicle theft
Scope:	Crimes reported to the police in most jurisdictions; considerable flexibility in developing small-area data	Crimes both reported and not reported to police; all data are available for a few large geographic areas
Collection method:	Police department reports to FBI or to centralized State agencies that then report to FBI	Survey interviews, periodically measures the total number of crimes committed by asking a national sample of 49,000 households encompassing 101,000 persons age 12 and over about their experiences as victims of crime during a specified period
Kinds of information:	In addition to offense counts, provides information on crime clearances, persons arrested, persons charged, law enforcement officers killed and assaulted, and characteristics of homicide victims	Provides details about victims (such as age, race, sex, education, income, and whether the victim and offender were related to each other) and about crimes (such as time and place of occurrence, whether or not reported to police, use of weapons, occurrence of injury, and economic consequences)
Sponsor:	Department of Justice Federal Bureau of Investigation	Department of Justice Bureau of Justice Statistics

- The UCR counts only crimes coming to the attention of the police. The NCS obtains information on both reported and unreported crime, though not necessarily all unreported crime.

- The UCR counts crimes committed against all people and all businesses, organizations, government agencies, and other victims. NCS counts only crimes against persons age 12 or older and against their households.

- The two programs, because they serve different purposes, count crimes differently in some instances. For example, if a criminal robs a victim and steals someone else's car to escape, UCR counts only the robbery, the more serious crime. NCS could count both, one as a personal crime and one as a household crime.

- Each program is subject to a variety of limitations that affect its estimate of crime. For example, an increased willingness by victims to report crimes to police could produce an apparent increase in UCR estimates, even if the "true" amount of crime remained stable. Similarly, the NCS is known to undercount crimes committed by persons related to the victim, specifically domestic violence. The result of these limitations, some of which result in overcounting crime while others result in undercounting it, serve to create differences in the estimates that the two programs produce.

Source: *Report to the Nation on Crime and Justice.*

BEST COPY AVAILABLE

What is crime?

Crimes are defined by law

In this report we define crime as all behaviors and acts for which a society provides formally sanctioned punishment. In the United States what is criminal is specified in the written law, primarily State statutes. What is included in the definition of crime varies among Federal, State, and local jurisdictions.

Criminologists devote a great deal of attention to defining crime in both general and specific terms. This definitional process is the first step toward the goal of obtaining accurate crime statistics.

To provide additional perspectives on crime it is sometimes viewed in ways other than in the standard legal definitions. Such alternatives define crime in terms of the type of victim (child abuse), the type of offender (white-collar crime), the object of the crime (property crime), or the method of criminal activity (organized crime). Such definitions usually cover one or more of the standard legal definitions. For example, organized crime may include fraud, extortion, assault, or homicide.

What is considered criminal by society changes over time

Some types of events such as murder, robbery, and burglary have been defined as crimes for centuries. Such crimes are part of the common law definition of crime. Other types of conduct traditionally have not been viewed as crimes. As social values and mores change, society has codified some conduct as criminal while decriminalizing other conduct. The recent movement toward increased "criminalization" of drunk driving is an example of such change.

New technology also results in new types of conduct not anticipated by the law. Changes in the law may be needed to define and sanction these types of conduct. For example, the introduction of computers has added to the criminal codes in many States so that acts such as the destruction of programs or data could be defined as crimes.

What are the characteristics of some serious crimes?

Crime	Definition	Facts
Homicide	Causing the death of another person without legal justification or excuse, including UCR crimes of murder and nonnegligent manslaughter and negligent manslaughter.	• Murder and nonnegligent manslaughter occur less often than other violent UCR Index crimes. • 58% of the known murderers were relatives or acquaintances of the victim. • 20% of all murders in 1985 occurred or were suspected to have occurred as the result of some felonious activity.
Rape	Unlawful sexual intercourse with a female, by force or without legal or factual consent.	• Most rapes involve a lone offender and a lone victim. • About 32% of the rapes recorded by NCS in 1985 were committed in or near the victim's home. • 73% of the rapes occurred at night, between 6 p.m. and 6 a.m. • 58% of the victims of rape in 1985 were under 25 years old.
Robbery	The unlawful taking or attempted taking of property that is in the immediate possession of another, by force or threat of force.	• Robbery is the violent crime that most often involves more than one offender (in almost half of all cases in 1985). • About half of all robberies reported by NCS in 1985 involved the use of a weapon.
Assault	Unlawful intentional inflicting, or attempted inflicting, of injury upon the person of another. Aggravated assault is the unlawful intentional inflicting of serious bodily injury or unlawful threat or attempt to inflict bodily injury or death by means of a deadly or dangerous weapon with or without actual infliction of injury. Simple assault is the unlawful intentional inflicting of less than serious bodily injury without a deadly or dangerous weapon or an attempt or threat to inflict bodily injury without a deadly or dangerous weapon.	• Simple assault occurs more frequently than aggravated assault. • Most assaults involve one victim and one offender.

What are some other common crimes in the United States?

Drug abuse violations—Offenses relating to growing, manufacturing, making, possessing, using, selling, or distributing narcotic and dangerous nonnarcotic drugs. A distinction is made between possession and sale/manufacturing.

Sex offenses—In current statistical usage, the name of a broad category of varying content, usually consisting of all offenses having a sexual element except for forcible rape and commercial sex offenses, which are defined separately.

Fraud offenses—The crime type comprising offenses sharing the elements of practice of deceit or intentional misrepresentation of fact, with the intent of unlawfully depriving a person of his or her property or legal rights.

Drunkenness—Public intoxication, except "driving under the influence."

Disturbing the peace—Unlawful interruption of the peace, quiet, or order of a community, including offenses called "disorderly conduct," "vagrancy," "loitering," "unlawful assembly," and "riot."

Source: *Report to the Nation on Crime and Justice.*

Chapter 2: The Police

Overview: A three-unit chapter focusing on the role and history of police in society; the constitutional principles and laws that govern their work, including provisions of the Fourth and Fifth amendments of the U.S. Constitution; and the limits of police authority, including the doctrine of reasonable force and methods of citizen overview.

Objectives: By the completion of this chapter, students will be able to:

1. Identify common public attitudes about law enforcement;
2. Conduct a survey and analyze school and community attitudes about law enforcement;
3. Demonstrate a historical awareness about law enforcement by comparing today's professional law enforcement with that of previous eras;
4. Identify various law enforcement agencies in the United States and describe them in terms of their place in government and their jurisdiction;
5. Identify the Fourth, Fifth and Fourteenth amendments as the source of important restraints on police power;
6. Analyze searches to determine their legality in terms of principles and rules of the doctrine of search and seizure;
7. Identify the Miranda rule and describe it in terms of its underlying rationale;
8. Describe the exclusionary rule and state and support an opinion about it in terms of its efficacy and fairness;
9. Identify the elements of the doctrine of reasonable force and analyze hypothetical situations in terms of its applicability; and
10. State and support an opinion about alternative means of assuring police accountability.

INTRODUCTION

2.1

UNIT 1: POLICE AND SOCIETY

LESSON SEQUENCE 1

• **A Question of Attitude:** Reading and discussion of three stories showing different attitudes toward police work and a study of why officers take up police work. (p. 44)

• **Class Activity: Sampling Class Opinion**—Students conduct a survey of their class' attitudes toward police. (p. 47) **0.2** and **2.2**.

• **Activity: Sampling Public Opinion**—Students create and conduct an attitude survey for community members. (p. 47)

• **Activity: Sampling Police Attitudes**—Students create and conduct a survey of police attitudes. (p. 47)

LESSON SEQUENCE 2

• **From Citizen Volunteers to Professional Police:** Reading and discussion about how publicly funded police forces developed. (p. 48)

• **Class Activity: Police Call**—Students role-play police in action. (p. 49) **2.3**

• **Activity: Visiting the Police**—Students visit their local police department to learn more about police policies and practices. (p. 53)

UNIT 2: POLICE AND THE LAW

LESSON SEQUENCE 1

• **Criminal Procedure:** Introductory reading and discussion about criminal procedure. (p. 54)

• **The Law of Search and Seizure:** Very brief introductory reading on Fourth Amendment limits on police. (p. 55)

• **Has a Search and Seizure Taken Place?:** Reading and discussion about this first question in analyzing search-and-seizure cases. (p. 56)

Answers to question #4 on page 57

a. **Yes.** Even off duty, Mark is still an agent of the govern ment. Making an arrest is a seizure.

b. **No.** Lois, though an agent of the government, did not search or seize because such items were clearly visible from her property.

c. **No.** Sanchez had every right to be on the hill and saw the stolen cars in plain view.

d. **Yes.** George has a reasonable expectation of privacy in his person.

e. **No.** The police did not exercise sufficient custody or control to constitute an arrest.

• **Class Activity: Is It a Search?**—After small groups discuss actual cases raising issues of search and seizure, individuals go to a law library to find out how the U.S. Supreme Court ruled in a given case. (p. 57)

Answers to Class Activity

a. *California v. Ciraolo*

Facts: Unable to see over Mike's 10-foot-high fence, police hire a plane and fly over the house at 1,000 feet and see marijuana plants growing in the backyard.

Court holding: NO SEARCH.

Chief Justice Burger for the court: "[T]he mere fact an individual has taken measures to restrict some view of his activities [does not] preclude an officer's observations from a public vantage point where he has a right to be and which renders the activities clearly visible....Any member of the flying public who glanced down could have seen everything that these officers observed...[We] readily conclude that respondent's expectation that his garden was protected from such observation is unreasonable and is not an expectation that society is prepared to honor."

Justice Powell dissenting: "[T]he Court believes that citizens bear the risk that air travelers will observe activities occurring within backyards...This risk, the Court appears to hold, nullifies expectations of privacy...This line of reasoning is flawed. First, the actual risk to privacy from commercial or pleasure aircraft is virtually nonexistent. Travelers...normally obtain at most a fleeting, anonymous, and non-discriminating glimpse of the landscape and buildings over which they pass....[On the other hand] [a]erial surveillance is nearly as intrusive on family privacy as physical trespass into the curtilage."

Florida v. Riley

Facts: Wanting to see inside Riley's partially covered greenhouse, police fly a helicopter at 400 feet and take a look.

Court holding: NO SEARCH

Justice White for the court: "Any member of the public could legally have been flying over Riley's property in a helicopter at the altitude of 400 feet and could have observed Riley's greenhouse."

Justice Brennan dissenting: "The question before us must not be whether the police were where they had a right to be, but whether public observation of Riley's curtilage was so commonplace that Riley's expectation of privacy in his backyard could not be considered reasonable."

b. Smith v. Maryland

Facts: Police install a device at the phone company office that keeps track of the numbers that Gilbert dials from his home phone.

Court holding: NO SEARCH

Justice Blackmun for the court: "When he used his phone, petitioner voluntarily conveyed numerical information to the telephone company and 'exposed' that information to its equipment in the ordinary course of business. In so doing, petitioner assumed the risk that the company would reveal to police the numbers he dialed."

Justice Marshall dissenting: "[I]t does not follow that [people] expect this information to be made available to the public in general or the government in particular. Privacy is not a discrete commodity, possessed absolutely or not at all. Those who disclose certain facts to a bank or phone company for a limited business purpose need not assume that this information will be released to other persons for other purposes."

c. California v. Greenwood

Facts: Suspecting drug dealing, police have the trash collector turn over Bill's trash to them instead of throwing it in the trash truck.

Court holding: NO SEARCH

Justice White for the court: "[W]e conclude that respondents exposed their garbage to the public sufficiently to defeat their claim to Fourth Amendment protection. It is common knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals,

children, scavengers, snoops, and other members of the public."

Justice Brennan dissenting: "The mere *possibility* that unwelcome meddlers *might* open and rummage through the containers does not negate the expectation of privacy in its contents any more than the possibility of a burglary negates an expectation of privacy in the home; or the possibility that an operator will listen in on a telephone conversation negates an expectation of privacy in the words spoken on the telephone."

d. Katz v. U.S.

Facts: The FBI listens to Joe's conversation by attaching an electronic eavesdropping device to the outside of the public telephone booth he uses at 11 a.m. every day.

Court holding: SEARCH

Justice Stewart for the court: "The Government's activities in electronically listening to and recording the petitioner's words violated the privacy upon which he justifiably relied while using the telephone booth and thus constituted a 'search and seizure' within the meaning of the Fourth Amendment. The fact that the electronic device employed to achieve that end did not happen to penetrate the wall of the booth can have no constitutional significance."

Justice Black dissenting: "A conversation overheard by eavesdropping, whether by plain snooping or wiretapping, is not tangible and, under the normally accepted meanings of the words, can neither be searched nor seized."

e. Arizona v. Hicks

Facts: Investigating a shooting, police legally enter an apartment looking for weapons and the shooter. While inside, an officer spots a high-priced stereo which seems out of place in the rundown apartment. The officer picks it up, jots down the serial number, puts it down, calls headquarters, and finds out the stereo is stolen.

Court holding: SEARCH

Justice Scalia for the court: "Officer Nelson's moving of the equipment...did constitute a 'search' separate and apart from the search for the shooter, victims, and weapons...Merely inspecting those parts of the turntable that came into view during the latter search would not have constituted an independent search, because it would have produced no additional invasion of respondent's privacy interest...But taking action, unrelated to the objectives of the authorized intrusion, which exposed to view concealed portions of the apartment or its contents, did produce a new invasion of respondent's privacy...A search is a search, even if it happens to disclose nothing but the bottom of a turntable."

Justice O'Connor dissenting: "[I]f police officers have a reasonable, articulable suspicion that an object they come across during the course of a lawful search is evidence of crime, in my view they may make a cursory examination of the object to verify their suspicion. If the officers wish to go beyond such a cursory examination of the object, however, they must have probable cause."

f. Oliver v. U.S.

Facts: Oliver posts "no trespassing" signs around his land and locks the gate to his property. Police go onto a highly secluded part of his land about a mile from his house and find marijuana plants growing.

Court holding: NO SEARCH.

Justice Powell for the court: "The Amendment does not protect the merely subjective expectation of privacy, but only those 'expectation[s] that society is prepared to recognized as "reasonable."' [A]n individual may not legitimately demand privacy for activities conducted out of doors in fields, except in the area immediately surrounding the home....[O]pen fields do not provide the setting for those intimate activities that the Amendment is intended to shelter from government interference or surveillance. There is no societal interest in protecting the privacy of those activities, such as the cultivation of crops that occur in open fields. Moreover, as a practical matter these lands usually are accessible to the public and the police in ways that a home, an office, or commercial structure would not be. It is not generally true that fences or 'No Trespassing' signs effectively bar the public from viewing open fields in rural areas."

Justice Marshall dissenting: "[The] law not only recognizes the legitimacy of Oliver's and Thornton's insistence that strangers keep off their land, but subjects those who refuse to respect their wishes to the most severe of penalties—criminal liability. Under these circumstances, it is hard to credit the Court's assertion that Oliver's and Thornton's expectations of privacy serve not of a sort that society is prepared to recognize as reasonable.... [A] deliberate entry by a private citizen onto private property marked with 'No Trespassing' signs will expose him to criminal liability. I see no reason why a government official should not be obliged to respect such unequivocal and universally understood manifestations of a landowner's desire for privacy."

LESSON SEQUENCE 2

• **Is the Search and Seizure Reasonable?**: Reading and discussion about this second, final question in analyzing search-and-seizure cases with a focus on the facts of the Supreme Court case *U.S. v. Ross* (1982). (p. 58) R

• **The Court's Decision:** Reading and discussion about the Supreme Court's decision in *U.S. v. Ross*, which granted an exception to the warrant requirement in motor vehicle searches, and about other recognized exceptions to the warrant requirement, such as incident to lawful arrest, stop and frisk, consent, hot pursuit, emergency situations, airline, border, and custom searches. (p. 60)

Ask an Expert: Students invite police officers to discuss their training and attitudes on search-and-seizure law or students visit a police -training class on search and seizure. (p. 60) O R

Ask an Expert: Class invites a criminal attorney to briefly discuss search-and-seizure law and to take part in and debrief "Applying the Checklist." (p. 61) O R

• **Class Activity: Applying the Checklist**—Working in pairs, students apply the Search and Seizure Checklist to evaluate the legality of some hypothetical search and seizures. (p. 61) R

Answers to Class Activity

Hans Metcalf: Issue is whether a briefcase was abandoned property. If it was, then what police did was not a search and therefore no violation. The question is: Do you have a reasonable expectation that no one will search through belongings that you forget? If you do, then this would be a search, and since the police have no probable cause to make a search, it would be a violation.

Vivian Madison: A search but no violation because her roommate gave consent to the search and the roommate had a right to be in the garage.

Officer Hanano: Clearly made a warrantless search and seizure. Question is do any of the exceptions apply? There seems no probable cause—mere suspicion. Lack of license plates on the car would allow a car stop, but not a search without probable cause. Question whether search of the trailer would be justified in any case since it is not attached to the car. No consent for the search. Person said, "Go away!" Wisp of smoke does not constitute emergency situation especially since the person told him to go away.

Betty Kim: Clearly a warrantless search. Do any exceptions apply? No consent, because she told him to get out. Search of her pocket could conceivably be legal under stop and frisk doctrine, but this would be a real stretch. Even if this search and arrest are upheld, the search of the house is not incident to the arrest. The officer should have gone back and gotten a warrant to search the living room.

LESSON SEQUENCE 3

• **Interrogation and Confessions:** Reading and discussion about Fifth Amendment restrictions on police. (p. 64)

• **Class Activity: Taking the Fifth**—In pairs, students argue Fifth Amendment cases before a Supreme Court made up of other students. (p. 67) R

Answers to Class Activity

a. *Illinois v. Perkins* (1990). Statements CAN be introduced. In an 8-1 decision, the Supreme Court held that Perkins' Fifth Amendment rights were not violated. Since Perkins believed he was talking with another inmate, there was no coercion or "police -dominated atmosphere."

b. *Arizona v. Mauro* (1987). Statements CAN be introduced. In a 5-4 decision, the Supreme Court held that the police did not send Mrs. Mauro to elicit statements, nor did they subject Mauro to "compelling influences, psychological ploys, or direct questioning. Thus, his volunteered statements cannot properly be considered the result of police interrogation."

c. *Fare v. Michael C.* (1979). Statements CAN be introduced. In a 6-3 decision, the Supreme Court held that a lawyer has a unique ability to protect a suspect's rights. A request for a person other than a lawyer is not the same. The court explained that a lawyer understands the criminal process and has the official status to object to wrongful police actions. He or she is the only one who can be summoned and have the effect of stop ping police interrogation. Otherwise, a suspect like Michael could ask for his coach, his music teacher or his priest, and still not receive the legal protections that made the Miranda rule necessary.

d. *Oregon v. Mathiason* (1977). Statements CAN be introduced. A six-member majority Supreme Court opinion stated: "He came voluntarily to the police station, where he was immediately informed that he was not under arrest. At the close of a one half-hour interview respondent did in fact leave the police station without hindrance. It is clear from these facts that Mathiason was not in custody 'or otherwise

deprived of his freedom of action in any significant way.'"

e. *Beckwith v. U.S.* (1976). Statements CAN be introduced. A six-member majority opinion held that Beckwith was not in custody and therefore *Miranda* warnings were not required. Beckwith could have told the agents to leave at any time.

f. *Duckworth v. Eagan* (1989). Statements CAN be introduced. In a 5-4 decision, the Supreme Court ruled that the warning given "touched all the bases required by *Miranda*....The Court in *Miranda* emphasized that it was not suggesting that 'each police station must have a "station house lawyer" present at all times to advise prisoners.'....If the police cannot provide appointed counsel, *Miranda* requires only that the police not question a suspect unless he waives his right to counsel. Here, respondent did just that."

Ask an Expert: Class invites a criminal attorney or a police officer to discuss briefly the *Miranda* decision and to take part in and debrief the activity "Taking the Fifth." (p. 66)

LESSON SEQUENCE 4

• **The Exclusionary Rule:** Reading and discussion about the rule and *Mapp v. Ohio* and other Supreme Court decisions. (p. 69)

• **Fruit of the Poisonous Tree:** Reading and discussion about this doctrine and its exceptions. (p. 71)

UNIT 3: THE LIMITS OF POLICE AUTHORITY

LESSON SEQUENCE 1

• **Use of Force:** Reading and discussion about the limits on police force. (p. 73)

Newsbreak: Students find and report on media accounts of alleged police misconduct. (p. 74)

Ask an Expert: Students find out their local police department's policy on the use of deadly force. (p. 75)

• **Class Activity: Split Second**—Students simulate police split-second decision-making in two hypotheticals and analyze their decisions. (p. 75)

LESSON SEQUENCE 2

• **The Police Board—Policing the Police:** Reading and discussion about how citizen complaints about police are handled and issues raised when police are subject to prosecution. (p. 77)

• **Class Activity: A Board of Rights**—Students simulate a review board on police misconduct and decide two hypotheticals. (p. 79)

LESSON SEQUENCE 3

• **Community Policing:** Reading and discussion about how community-oriented policing is attempting to improve police-community relations. (p. 82)

• **Activity: Checking Out Community Policing**—Students research and report on local or national efforts at community policing. (p. 84)

• **You and the Police:** Reading and discussion about what to do when stopped by police. (p. 84)

The system responds directly to a fraction of crime

BACKGROUND READINGS

Most crime is not reported to police

As noted in chapter II, only about a third of all crimes are reported to police. The crimes most likely to be reported are those most serious in terms of injury and economic loss.

The criminal justice system responds to crimes brought to its attention by reports from citizens or through direct observation by law enforcement officers. Crimes are reported most often by the victim or a member of the victimized household. Police discover 3% of reported personal crimes and 2% of reported household crimes.

Most reported crimes are not solved by arrest. For that reason the proportion of crimes handled directly by the criminal justice system through the processing of suspects is relatively small. Indirectly, the criminal justice system may be dealing with more crime than appears from arrest data because the offenders who are processed may have committed much more crime than that for which they are arrested (see chapter III).

Fallout for the crime of aggravated assault is shown in this chart:

The first contact with the criminal justice system for most citizens is the police dispatcher

In many cities citizens can report crimes through a universal number, such as 911. In other cities the citizen must call the police directly. The dispatcher will ask for facts about the crime, such as what happened, where, when, whether or not it involved injury or loss. This information helps the police to select the most appropriate response.

Law enforcement is one of several police roles

The roles of police officers are—
- **Law enforcement**—applying legal sanctions (usually arrest) to behavior that violates a legal standard.
- **Order maintenance**—taking steps to control events and circumstances that disturb or threaten to disturb the peace. For example, a police officer may be called on to mediate a family dispute, to disperse an unruly crowd, or to quiet an overly boisterous party.
- **Information gathering**—asking routine questions at a crime scene, inspecting victimized premises, and filling out forms needed to register criminal complaints.
- **Service-related duties**—a broad range of activities, such as assisting injured persons, animal control, or fire calls.

Wilson's analysis of citizen complaints radioed to police on patrol showed that—
- 10% required enforcement of the law
- more than 30% of the calls were appeals to maintain order
- 22% were for information gathering
- 38% were service-related duties.

Most crime is not susceptible to a rapid police response

A study by the Police Executive Research Forum suggests that police response time is important in securing arrests only when they are called while the crime is in progress or within a few seconds after the crime was committed. Otherwise, the offender has plenty of time to escape.

In a study of response time in Kansas City, only about 6% of the callers reported crimes in progress. Where discovery crimes are involved (those noticed after the crime has been completed), few arrests may result even if citizen reporting immediately follows discovery; by this time the offender may be safely away. If a suspect is arrested, the length of delay between the offense and arrest may crucially affect the government's ability to prosecute the suspect successfully because of the availability of evidence and witnesses.

Today, police officers do not always respond to calls for service

Based on research and the desire for improved efficiency, many police departments now use a number of response alternatives to calls for service. The type of alternative depends on a number of factors such as whether the incident is in progress, has just occurred, or occurred some time ago and whether anyone is or could be injured. Police officers may be sent, but the call for service may also be responded to by—
- **Telephone report units** who take the crime report over the telephone. In some departments, more than a third of the calls are initially handled in this way.
- **Delayed response** if officers are not needed at once and can respond when they are available. Most departments state a maximum delay time, such as 30 to 45 minutes, after which the closest unit is assigned to respond.
- **Civilian personnel** trained to take reports; they may be evidence technicians, community service specialists, animal control officers, or parking enforcement officers.
- **Referral to other noncriminal justice agencies** such as the fire department, housing department, or social service agencies.
- **A request for a walk-in report** where the citizen comes to the police department and fills out a report.

Source: *Report on the Nation on Crime and Justice.*

A variety of public agencies provide protection from crime

Law enforcement evolved throughout U.S. history

In colonial times law was enforced by constables and a night watch made up of citizens who took turns watching for fires and unruly persons. By the beginning of the 19th century, most citizens who could afford it paid for someone else to take their watch.

The first publicly supported, centralized, consolidated police organization in the United States was established in New York in 1844. It was modeled after the London Metropolitan Police created in 1829 by Sir Robert Peel. Other major American cities adopted the same system soon after. Today, more than 90% of all municipalities with a population of 2,500 or more have their own police forces.

Rural policing in the United States developed from the functions of sheriffs

The office of sheriff, a direct import from 17th century England, was used primarily in the rural colonies of the South. As elected county officials, sheriffs had detention and political functions along with law enforcement responsibilities.

Originally responsible for large, sparsely populated areas, many sheriffs were faced with big city law enforcement problems because of urban growth after World War II. In some counties the sheriff's office has retained its detention functions, but law enforcement functions are handled by county police departments. In other counties the sheriff's office resembles many big city police departments. There are more than 3,000 sheriff's departments in the United States today.

Traditionally, the police function has been dominated by local governments

- In 1986 there were 11,743 municipal, 79 county, and 1,819 township general-purpose police agencies in the United States. Together, they employ 533,247 full-time equivalent employees.
- Other State and local law enforcement groups include State agencies such as the 51 State police and highway patrols and some 965 special police agencies including park rangers, harbor police, transit police, and campus security forces. Along with their independent responsibilities, these agencies often support local law enforcement on technical matters such as forensics and identification.
- The Federal Government employs 8% of all law enforcement personnel. Among the more than 50 Federal law enforcement agencies are the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, and Firearms (BATF), the Secret Service, and the Postal Inspection Service.

Urbanization and social change have had great impact on policing

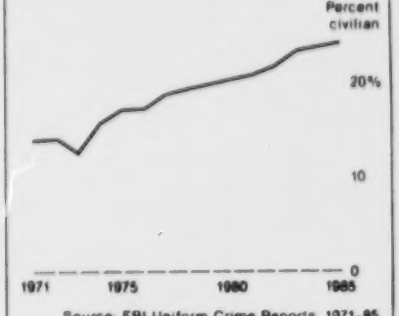
- The dramatic shift in population to urban areas since World War II has had great impact on the demand for police service. The percentage of police officers employed in urban areas rose from 68% in 1977 to 82% in 1982.
- During the recent period of increasing concern about employment discrimination against women and minorities, mostly white, male police departments have added women and minorities to their ranks. The proportion of sworn officers who were women went from 2% in 1971 to almost 7% in 1985. The proportion of police officers and detectives who were black went from 9% in 1983 to 12% in 1985.

Professionalism and advanced technology have also transformed policing in the past half century

- In 1982, 79% of police officers in a sample survey conducted by the FBI reported that they had done some college work. 23% of the respondents had received baccalaureate degrees.[1] Basic and in-service training is now regarded as indispensable. More than 670 training academies now exist in the United States.[2]
- In 1964 only one major police department was using automated data processing.[3] More recent surveys suggest that virtually all jurisdictions of 50,000 or more population were using computers by 1981.[4]
- In 1922 less than 1,000 patrol cars were in use in the entire country.[5] At that time, only one city had radio-equipped cars. Today, the patrol car has almost replaced the "beat cop" and police communications enable the patrol officer to have access to citizen calls for service as well as data banks on a variety of critical information, including outstanding warrants and stolen property.

Increased civilian employment has also changed police agencies

The increase results from the—
- **desire to free up sworn officers for patrol duties**
- **need for technical expertise, such as data processing.**



Source: FBI Uniform Crime Reports, 1971-85.

Source: *Report on the Nation on Crime and Justice.*

Chapter 3: The Criminal Case

Overview: A three-unit chapter covering every key step in the investigative, pretrial and trial phases of a criminal case. The chapter features an expanded mock trial hypothetical in which students assume the major roles of attorneys, judges and jurors to apply criteria to make decisions and judgments affecting the case.

Objectives: By the completion of this chapter, students will be able to:

1. Identify and describe the function of major roles in the criminal case process including police, prosecuting attorneys, defense attorneys, hearing and trial judges, and jurors;
2. Identify factors used in determining bail and apply them to hypothetical bail situations;
3. Describe the role of prosecutorial discretion;
4. Identify and describe the concepts of probable cause, burden of proof, and reasonable doubt;
5. Identify key steps in the selection of jurors and identify and apply factors in selecting a hypothetical jury;
6. Compose an opening statement based on given criteria;
7. Distinguish between direct and circumstantial evidence and analyze hypotheticals on this basis;
8. Identify basic rules of evidence and state and support opinions about the admissibility of evidence on this basis;
9. Compose and present closing arguments based on given criteria; and
10. State and support an opinion about the verdict in a hypothetical case.

INTRODUCTION

3.1

UNIT 1: CRIMINAL CASE, INVESTIGATION, AND ARREST

LESSON SEQUENCE 1

• **The Criminal Case Process:** Reading and discussion about adversarial fact-finding. (p. 88)

• **Using This Chapter:** explanation of the chapter's format, including information about the case guide, key steps, case notes, and activities, and their symbols. (p. 88)

• **The Criminal Justice Case Guide:** A chart of the criminal case process from initial incident to appeal. (p. 92)

Newsbreak: Students cut out news articles and make a bulletin board on stages of a criminal case. (p. 91)

• **Cast of Characters I:** Reading and discussion about professionals in the criminal justice system. (p. 91)

• **Class Activity: Criminal Case Characters**—Students match the criminal justice professionals with descriptions of their duties. (p. 94)

Answers to Class Activity

1. C
2. D
3. B
4. E
5. A
6. C
7. B

LESSON SEQUENCE 2

• **Key Step: Arrest**—Brief explanation of arrest and its purpose. (p. 94)

• **Police Crime Investigation Report:** Reading and discussion about the police report for the mock case of *People v. Carter.* (p. 94)

LESSON SEQUENCE 3

• **Case Notes: State Criminal Code Sections**—Description and discussion of mock homicide statutes for the *Carter* case. (p. 96)

• **Class Activity: Is It Murder?**—Students work in pairs to apply the mock homicide statutes to hypothetical situations. (p. 96)

Answers to Class Activity

a. Mr. Jones: Murder in the first degree [274(a)]: The long- term poisoning shows clear evidence of premeditation.

b. David: Murder in the second degree [274(b)]: Malice aforethought is established by the intent to do an act with obvious risk of death or great bodily injury. This has been called an act with "an abandoned and malignant heart."

c. Mary: Voluntary Manslaughter [298(a)]: The killing was intentional but malice aforethought was not present because Mary was provoked and acted in uncontrolled anger.

d. Jim: Involuntary Manslaughter [298(b)(1)]: The killing was unintentional but dangerous and unlawful. The case could be made for second-degree murder by arguing malice aforethought was established by the intent to act with an obvious risk of death or great bodily injury.

e. Donna: Involuntary Manslaughter [298(2)(b)(2)]: The killing was unintentional and, though probably not illegal, was done with great negligence.

Crime Beat: Students find out about their state's homicide laws. (p. 96)

• **Case Notes: In the Defense of Thomas Carter**—Reading on Carter's defense attorney's interview with her client and her notes on the case. (p. 97)

UNIT 2: PRETRIAL

LESSON SEQUENCE 1

Key Step: First Appearance Before a Judge—Brief explanation of the first court hearing in a criminal case. (p. 99)

• **Class Activity: The Question of Bail**—In small groups, students role -play the prosecution, defense, and judge in a simulated bail hearing for the *Carter* case. (p. 99)

Crime Beat: Students find out if any offenses in their state are non -bailable. (p. 101)

LESSON SEQUENCE 2

• **Case Notes: Prosecutorial Review**—Explanation and discussion of prosecutorial review, including a mock dialogue among prosecutors discussing what charges to file in the *Carter* case. (p. 102)

Ask an Expert: Class invites a criminal attorney to discuss prosecutorial review and to take part in and debrief the activity "The Prosecutor Decides." (p. 105)

• **Class Activity: The Prosecutor Decides**—In small groups, students go over various homicide charges and decide which charge to bring in the *Carter* case. (p. 104)

W 3.2

Answers to Class Activity

First-Degree Murder

• Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? **Yes. He told Robertson, "That man is going to pay in a big way." This could mean he intended to kill him. Plus the other evidence mentioned under premeditation.**

• Is there evidence of premeditation? **Yes. Several things: What he said to Robertson, getting gun lessons from Robertson, loading the shotgun, and getting someone to drive the car.**

• Is there evidence which would show that this intent was transferred to the killing of Joyce Ann Miller (using the doctrine of transferred intent)? **Yes. His intent to kill Hanks could be transferred since he killed another person.**

or

• Is there evidence to show that Thomas Carter formed an intent to kill and premeditated the killing of Joyce Ann Miller? **No. No evidence supports this.**

Second-Degree Murder

• Is there evidence that Thomas Carter formed an intent to kill Joyce Ann Miller? **No. He didn't even know her or realize she was there.**

or

• Is there evidence that Thomas Carter had the intent to do an act where there was an obvious risk that death or great

bodily harm would result? **Yes. He got a gun, learned how to use it, and fired it on a public street.**

Voluntary Manslaughter

• Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? **Yes. Same reasons as above.**

• Is there evidence that Oscar Hanks seriously provoked the actions of Thomas Carter? **Yes. He hit Carter over the head with a bottle.**

• Is there evidence that Thomas Carter did not have sufficient time to calm down after being provoked? **No. Carter had a full day to calm down.**

Involuntary Manslaughter

• Is there evidence that Thomas Carter committed an act in a criminally negligent manner? **Yes. Carter pointed a loaded shotgun out a car window.**

Decision

Considering all relevant factors, what crime would you charge Thomas Carter with? **Answers will vary.**

LESSON SEQUENCE 3

• **Key Step: Probable Cause Hearing**—Explanation of preliminary hearings and grand jury hearings. (p. 106)

• **Case Notes: Probable Cause Hearing**—Reading of outcome of grand jury hearing on *Carter* case. (p. 107)

• **Key Step: Arraignment**—Explanation of an arraignment. (p. 107)

• **Case Notes: An Issue at the Arraignment**—Description of Carter's plea of not guilty and his lawyer's motion for gag order at the arraignment. (p. 108) R

• **Class Activity: Ruling on the Motion**—Students take the role of judges and write decisions on the gag order motion. (p. 109)

Crime Beat: Students find out about pretrial procedures in their state. (p. 107)

UNIT 3: TRIAL

LESSON SEQUENCE 1

Key Step: Trial Procedures—Explanation of procedural steps in a criminal trial, including jury selection, opening statements, presentation of evidence, closing arguments, jury instructions, and jury deliberations. (p. 110)

Crime Beat: Students find out about local court procedures. (p. 111)

LESSON SEQUENCE 2

• **Case Notes: Cast of Characters II**—Description of and discussion about the important players in a criminal trial, including the judge, bailiff, court clerk, court reporter, prosecution lawyers, defense lawyers, defendant, witnesses, and jury. (p. 111)

• **Activity: In the Halls of Justice**—Students take a field trip to a criminal court with worksheet questions and suggestions for interviews. (p. 112)

NM 3.3

• **The Courtroom Setting**—Description and discussion of courtroom design. (p. 113)

• **Activity: A Courtroom of the Future**—Students design a courtroom. (p. 114)

LESSON SEQUENCE 3

• **Case Notes: The Trial of Thomas Carter**—Reading and discussion about the beginning of the trial of Thomas Carter. (p. 114)

• **Key Step: Jury Selection**—Explanation and discussion of the jury selection process, including voir dire, challenges for cause and peremptory challenges. (p. 115) R

Crime Beat: Students find out about juries in their state. (p. 116)

• **Class Activity: Choosing A Jury**—Students take roles of prosecuting attorneys, defense attorneys, prospective jurors and court clerk in a jury selection simulation. (p. 116)

• **Class Activity: Opening Statements**—Based on given criteria, students write opening statements for the defense and prosecution in the *Carter* case. (p. 120)

LESSON SEQUENCE 4

• **Case Notes: "The Evidence Will Show . . ."**—Explanation of direct and circumstantial evidence. (p. 121)

• **Class Activity: Direct or Circumstantial**—Students analyze hypotheticals to determine whether they are examples of direct or circumstantial evidence. (p. 121)

Answers to Class Activity

a. Direct
b. Circumstantial
c. Circumstantial
d. Direct
e. Circumstantial

LESSON SEQUENCE 5

• **Rules of Evidence:** Explanatory reading and discussion of some basic rules of evidence, including relevance, foundation, personal knowledge, hearsay, opinion testimony, argumentative questions, and special rules for direct and cross-examination. (p. 122)

• **Class Activity: Objection**—Students, given hypotheticals from the *Carter* trial, decide whether an attorney should object and explain why. (p. 127) R

Answers to Class Activity

a Yes. Opinion and lack of personal knowledge.

b. Yes. Hearsay.

c. Yes. Irrelevant.

d. Yes. Opinion and lack of personal knowledge.

e. No. It is proper to ask a leading question on cross-examination.

f. Yes. Opinion and lack of personal knowledge.

g. Yes. The witness has a lack of personal knowledge as to whether the truck was there or not.

h. Yes. Irrelevant.

i. No. Although it is hearsay, the statement is probably admissible as an admission against interest.

j. No.

k. Yes. Leading question.

l. Yes. Opinion, but because of Joel Robertson's knowledge about guns, he may be qualified as an expert.

• **Class Activity: Cross Fire**—In this simulation of the *Carter* case, students role-playing prosecutors and defense attorneys examine witnesses role-played by students. (p. 127) R

• **Class Activity: The Defense Rests**—Students role-play attorneys and make closing statements to the rest of the class role-playing jurors. (p. 131) LV **3.5**

LESSON SEQUENCE 6

• **Case Notes: Instructing The Jury**—Reading and discussion on the purpose and nature of jury instructions and on those which would be given in the *Carter* case. (p. 132)

• **Class Activity: We, the Jury**—Students form juries and deliberate on the *Carter* case. (p. 135)

• **Class Activity: Verdict**—Students write an essay explaining their personal verdict in the *Carter* case. (p. 135)

Why are some cases rejected or dismissed?

Once charges are filed, a case may be terminated only by official action

The prosecutor can drop a case after making efforts to prosecute *(nolle prosequi)*, or the court can dismiss the case on motion of the defense on grounds that the government has failed to establish that the defendant committed the crime charged. The prosecution also may recommend dismissal, or the judge may take the initiative in dismissing a case. A dismissal is an official action of the court.

What are the most common reasons for rejection or dismissal?

Many criminal cases are rejected or dismissed because of—

- **insufficient evidence** that results from a failure to find sufficient physical evidence that links the defendant to the offense
- **witness problems** that arise, for example, when a witness fails to appear, gives unclear or inconsistent statements, is reluctant to testify, is unsure of the identity of the offender or where a prior relationship may exist between the victim/witness and offender
- **the interests of justice,** wherein the prosecutor decides not to prosecute certain types of offenses, particularly those that violate the letter but not the spirit of the law (for example, offenses involving insignificant amounts of property damage)
- **due process problems** that involve violations of the Constitutional requirements for seizing evidence and for questioning the accused
- **a plea on another case,** for example, when the accused is charged in several cases and the prosecutor agrees to drop one or more of the cases in exchange for a plea of guilty on another case
- **pretrial diversion** that occurs when the prosecutor and the court agree to drop charges when the accused successfully meets the conditions for diversion, such as completion of a treatment program
- **referral for other prosecution,** such as when there are other offenses, perhaps of a more serious nature, in a different jurisdiction, or deferral to Federal prosecution.

Evidence problems are the most common reason for prosecutors to reject cases

Jurisdiction	Declined cases*	Percent of felony arrests declined for prosecution because of — Insufficient evidence	Witness problems	Due process problems	Interest of justice	Plea on another case	Referral to diversion	Referral for other prosecution	Other
Golden, Colo.	41	59%	27%	2%	5%	2%	2%	2%	0%
Greeley, Colo.	235	52	7	0	38	0	1	2	0
Manhattan, N.Y.	995	61	23	5	4	0	—	3	4
New Orleans, La.	4,114	38	30	12	8	0	7	4	—
Salt Lake City, Utah	973	58	12	1	8	1	2	19	—
San Diego, Calif.	4,940	54	15	6	9	1	0	9	7
Washington, D.C.	1,535	30	24	—	13	0	—	3	29

*Excludes cases for which reasons are unknown.
— Insufficient data to calculate.

Source: Barbara Boland with Ronald Sones, INSLAW, Inc., *Prosecution of felony arrests, 1981*, BJS, 1986.

Guilty pleas on other charges are a major cause of dismissals

Jurisdiction	Dismissed cases*	Percent of cases dismissed because of — Insufficient evidence	Witness problems	Due process problems	Interest of justice	Plea on another case	Referral to diversion	Referral for other prosecution	Other
Brighton, Colo.	443	16%	7%	1%	10%	43%	21%	2%	0%
Colorado Springs, Colo.	675	13	11	2	3	40	16	14	0
Fort Collins, Colo.	257	4	5	1	5	41	27	15	0
Golden, Colo.	709	14	14	1	7	38	17	9	0
Greeley, Colo.	207	12	25	1	4	18	20	20	0
Indianapolis, Ind.	639	27	15	1	33	21	—	1	1
Los Angeles, Calif.	8,351	29	16	2	17	2	10	10	14
Louisville, Ky.	272	11	10	3	28	5	15	3	24
Manhattan, N.Y.	10,233	26	24	1	17	4	0	1	26
New Orleans, La.	429	22	16	20	15	6	7	1	14
Portland, Ore.	906	15	22	—	6	23	7	13	13
Pueblo, Colo.	146	16	11	2	7	43	14	6	0
St. Louis, Mo.	1,097	22	20	9	4	10	—	1	32
Salt Lake City, Utah	917	16	17	1	2	27	9	9	19
San Diego, Calif.	2,630	25	11	3	7	18	10	6	20
Washington, D.C.	3,656	21	16	1	4	9	7	1	41

Note: Dismissed cases in this table include diversions.
*Excludes cases for which reasons are unknown.
—Insufficient data to calculate.

Source: Barbara Boland with Ronald Sones, INSLAW, Inc., *Prosecution of felony arrests, 1981*, BJS, 1986.

A prior relationship between victim and defendant is a major cause of witness problems

Williams found that problems with the complaining witness accounted for 61% of the refusals to prosecute violent crimes by nonstrangers and 54% of the dismissals.[2] Conviction rates are commensurately lower in such cases involving family acquaintances; Forst showed that in New Orleans the conviction rate for crimes by strangers was 48%, but only 30% for crimes by friends or acquaintances and 19% for crimes by family members.[3]

The Fourth Amendment prohibits unreasonable searches and seizures in the collection of evidence

Under the exclusionary rule, evidence obtained in violation of the Fourth Amendment may not be used in criminal proceedings. Both the police and prosecutors drop cases based on what they find is improperly obtained evidence.

In five jurisdictions studied, Boland found that drug cases were more likely than other felonies to be rejected by prosecutors because of due process problems.

Source: *Report to the Nation on Crime and Justice.*

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Most defendants are eligible for release pending trial

The traditional objective of bail and other pretrial release options is to assure appearance at trial

In medieval times the accused was bailed to a third party who would be tried in place of the accused if the accused failed to appear. As the system evolved, the guarantee became the posting of a money bond that was forfeited if the accused failed to appear. In the United States the Eighth Amendment states that bail shall not be excessive, but it does not grant the right to bail in all cases. The right to bail for many offenses was established by Federal and State laws early in our history.

The modern bail reform movement resulted in new release options

The movement was based on the belief that detaining the poor because they could not afford bail violated their right against excessive bail. In the early 1960s, seeking alternatives to the commercial bail bondsman, the Vera Institute created the Manhattan bail project, which showed that defendants with community ties could be released without bail and still return for trial at the same or better rates as those on money bail.

More than 300 pretrial service programs now operate throughout the Nation.[4] These programs are responsible for defining and screening a target population of offenders who can be released before trial as a means of preventing unnecessary detention of persons unlikely to flee before trial and/or to commit other crimes while on release.

After the Federal Bail Reform Act of 1966 many States passed laws that limited the role of bondsmen. Five States (Kentucky, Oregon, Wisconsin, Nebraska, and Illinois) have eliminated bail bonding for profit. Kentucky dealt with both bondsmen and release programs in 1976 when it banned bondsmen and set up a statewide system of pretrial services agencies.

Both financial bonds and alternative release options are used today

Financial bond

Fully secured bail—The defendant posts the full amount of bail with the court.

Privately secured bail—A bondsman signs a promissory note to the court for the bail amount and charges the defendant a fee for the service (usually 10% of the bail amount). If the defendant fails to appear, the bondsman must pay the court the full amount. Frequently, the bondsman requires the defendant to post collateral in addition to the fee.

Deposit bail—The courts allow the defendant to deposit a percentage (usually 10%) of the full bail with the court. The full amount of the bail is required if the defendant fails to appear. The percentage bail is returned after disposition of the case, but the court often retains 1% for administrative costs.

Unsecured bail—The defendant pays no money to the court but is liable for the full amount of bail should he or she fail to appear.

Alternative release options

Release on recognizance (ROR)—The court releases the defendant on the promise that he or she will appear in court as required.

Conditional release—The court releases the defendant subject to his or her following specific conditions set by the court, such as attendance at drug treatment therapy or staying away from the complaining witness.

Third party custody—The defendant is released into the custody of an individual or agency that promises to assure his or her appearance in court. No monetary transactions are involved in this type of release.

Citation release—Arrestees are released pending their first court appearance on a written order issued by law enforcement personnel.

Bail reform and other factors appear to have increased the number of people being released prior to trial

A 1976 study in 20 cities found that the release rate had risen from 48% in 1962 to 67% in 1971.[5] More recently, Toborg found that 85% of the defendants in her eight-site sample were released prior to trial.

Most unconvicted jail inmates have had bail set

Of 88,120 unconvicted jail inmates surveyed in 1983, 87% had bail set and 13% had not had bail set.

Of jail inmates for whom bail had been set, 94% could not afford the bond that had been set. They were mainly probationers or parolees whose release had been revoked or persons charged with offenses for which bail is not permitted.

Most defendants are not detained prior to trial

In Toborg's study, 85% of defendants in her eight-site sample were released before trial. Some jurisdictions are much less likely than others to release defendants on nonfinancial conditions, but the overall rate of release is similar.

Source: *Report to the Nation on Crime and Justice.*

Chapter 4: Corrections

Overview: A four-unit chapter focusing on the purposes of corrections; alternatives to prisons, including probation, community service, and community corrections; current conditions of and debates about prisons; and the law and debate over the death penalty.

Objectives: By the completion of this chapter, students will be able to:

1. Identify punishment, deterrence, and rehabilitation as the underlying rationale for criminal corrections;
2. Identify factors which are used for determining a sentence and apply them to a hypothetical case;
3. Demonstrate a historical awareness of corrections by comparing methods of corrections from previous eras with those of today;
4. Identify factors for granting probation and apply them to hypothetical cases;
5. Describe alternatives to prison and state and support opinions about their value;
6. Identify factors used in granting parole and apply them to hypothetical situations;
7. Describe current conditions in prisons and state and support opinions about current sentencing standards;
8. Identify aggravating and mitigating factors in applying a death penalty statute and apply them to a hypothetical situation; and
9. State and support a reasoned opinion about the death penalty.

INTRODUCTION

4.1

UNIT 1: CORRECTIONS AND SOCIETY

LESSON SEQUENCE 1

• **The Purpose of Punishment:** A reading describing five rationales for punishment. (p. 138)

• **Class Activity: The Student Court**—Students role-play members of a student court deciding appropriate punishments for hypothetical cases. (p. 139)

LESSON SEQUENCE 2

• **A Brief History of Punishment in the United States:** Reading and discussion about the development of the U.S. corrections system. (p. 139)

• **Class Activity:** In small groups, students discuss the strengths and weaknesses of different kinds of punishment. (p. 142)

• **Current Debates about Corrections:** Reading and discussion about the movement away from rehabilitation to a deterrent or punitive model for corrections. (p. 143)

LESSON SEQUENCE 3

• **Sentencing:** Reading and discussion about a broad range of sentencing issues, such as Eighth Amendment restrictions on punishment and other rights that defendants have at sentencing, fixed and indeterminate sentencing, mandatory sentencing, factors judges consider, and sentencing guidelines. (p. 145)

Crime Beat: Students find out about their state's sentencing laws. (p. 148)

• **Class Activity: The *Carter* Case: Sentencing**—In small groups, students act as judges and sentence Thomas Carter. (p. 150)

Ask an Expert: Students write or interview a judge asking how the judge would have sentenced Carter. (p. 151)

UNIT 2: ALTERNATIVES TO PRISON

LESSON SEQUENCE 1

• **The Need for Alternatives:** Brief explanatory reading about the need for alternatives to prison. (p. 154)

• **Fines:** Reading and discussion about fines. (p. 154)

• **Probation:** Reading and discussion about probation. (p. 155)

• **Class Activity: Who Gets Probation?**—In small groups, students decide whether particular hypothetical offenders should be placed on probation. (p. 157)

Ask an Expert: Students interview a probation officer. (p. 156)

Newsbreak: Students report on articles about alternatives to prison. (p. 157)

LESSON SEQUENCE 2

• **Revoking Probation:** Reading about what happens when probationers violate the conditions of their probation. (p. 157)

• **Class Activity: Probation Revocation Hearing**—In small groups, students role-play a probation revocation hearing. (p. 158)

LESSON SEQUENCE 3

• **Community Service:** Reading and discussion about community service as an alternative punishment. (p. 161)

• **Community Corrections:** Reading and discussion about community corrections as an alternative to prison. (p. 163)

Ask an Expert: Class invites an ex-convict to speak. (p. 164)

UNIT 3: PRISONS TODAY

LESSON SEQUENCE 1

• **Prison in America:** Reading and discussion about prison conditions, population, legal responses to poor conditions, and private prisons. (p. 166)

Crime Beat: Students find out about their state corrections system and about a nearby jail or prison. (p. 170)

• **Activity: Harsh Sentences**—Students write essays on whether harsh sentences will deter criminals. (p. 169)

LESSON SEQUENCE 2

• **Prison Revolts:** Reading and discussion about riots at Attica and New Mexico State Prison and the development of gangs in prison. (p. 169)

• **Class Activity: Prison in the Classroom**—Students mark off an area in the classroom to simulate prison conditions. (p. 172)

LESSON SEQUENCE 3

• **Parole:** Reading and discussion about the parole system, including a case study of Sirhan Sirhan. (p. 173)

Crime Beat: Students find out about probation and parole in their state. (p. 172)

• **Staying Out of Prison:** Reading about a case study of the experiences of an ex-offender. (p. 175)

• **Class Activity: Staying Out**—Students write a creative journal of their experiences in the first few weeks on parole. (p. 175)

UNIT 4: CAPITAL PUNISHMENT

LESSON SEQUENCE 1

• **The Death Penalty:** Reading and discussion that gives an overview, the general history, and recent legal history of capital punishment. (p. 176)

• **Class Activity: Taking a Stand on Capital Punishment**—Students line up based on their attitudes about the death penalty, form groups, and debate specific arguments, pro and con. Finally, students form a new line and respond to specific arguments. (p. 179)

Crime Beat: Students find out about the death penalty in their state. (p. 180)

• **Class Activity: Life or Death**—Students role-play jurors and apply a capital punishment statute to hypothetical cases. (p. 181)

• **Class Activity: A Survey on Corrections in America**—Students take an opinion survey on corrections. (p. 183)

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Through sentencing, society attempts to express its goals for the correctional process

The sentencing of criminals often reflects conflicting social goals

These objectives are—
- **Retribution**—giving offenders their "just deserts" and expressing society's disapproval of criminal behavior
- **Incapacitation**—separating offenders from the community to reduce the opportunity for further crime while they are incarcerated
- **Deterrence**—demonstrating the certainty and severity of punishment to discourage future crime by the offender (specific deterrence) and by others (general deterrence)
- **Rehabilitation**—providing psychological or educational assistance or job training to offenders to make them less likely to engage in future criminality
- **Restitution**—having the offender repay the victim or the community in money or services.

Attitudes about sentencing reflect multiple goals and other factors

Research on judicial attitudes and practices in sentencing revealed that judges vary greatly in their commitment to various goals when imposing sentences. Public opinion also has shown much diversity about the goals of sentencing, and public attitudes have changed over the years. In fashioning criminal penalties, legislators have tended to reflect this lack of public consensus.

Sentencing laws are further complicated by concerns for—
- **Proportionality**—severity of punishment should be commensurate with the seriousness of the crime
- **Equity**—similar crimes and similar criminals should be treated alike
- **Social debt**—the severity of punishment should take into account the offender's prior criminal behavior.

Judges usually have a great deal of discretion in sentencing offenders

The different sentencing laws give various amounts of discretion to the judge in setting the length of a prison or jail term. In a more fundamental respect, however, the judge often has a high degree of discretion in deciding whether or not to incarcerate the offender at all. Alternatives to imprisonment include—
- probation
- fines
- forfeiture of the proceeds of criminal activity
- restitution to victims
- community service
- split sentences, consisting of a short period of incarceration followed by probation in the community.

Often, before a sentence is imposed a presentence investigation is conducted to provide the judge with information about the offender's characteristics and prior criminal record.

Disparity and uncertainty arose from a lack of consensus over sentencing goals

By the early 1970s researchers and critics of the justice system had begun to note that trying to achieve the mixed goals of the justice system without new limits on the discretionary options given to judges had—
- reduced the *certainty* of sanctions, presumably eroding the deterrent effect of corrections
- resulted in *disparity* in the severity of punishment, with differences in the sentences imposed for similar cases and offenders
- failed to validate the effectiveness of various rehabilitation programs in changing offender behavior or predicting future criminality.

Recent sentencing reforms reflect more severe attitudes and seek to reduce disparity and uncertainty

Reforms in recent years have used statutory and administrative changes to—
- clarify the aims of sentencing
- reduce disparity by limiting judicial and parole discretion
- provide a system of penalties that is more consistent and predictable
- provide sanctions consistent with the concept of "just deserts."

The changes have included—
- making prison mandatory for certain crimes and for recidivists
- specifying presumptive sentence lengths
- requiring sentence enhancements for offenders with prior felony convictions
- introducing sentencing guidelines
- limiting parole discretion through the use of parole guidelines
- total elimination of discretionary parole release (determinate sentencing).

States use a variety of strategies for sentencing

Sentencing is perhaps the most diversified part of the Nation's criminal justice process. Each State has a unique set of sentencing laws, and frequent and substantial changes have been made in recent years. This diversity complicates the classification of sentencing systems. For nearly any criterion that may be considered, there will be some States with hybrid systems that straddle the boundary between categories.

Source: *Report to the Nation on Crime and Justice.*

Repeat offenders are responsible for much of the Nation's crime

Who are career criminals?

The term "career criminal" has been used to describe offenders who—
- have an extensive record of arrests and convictions
- commit crimes over a long period of time
- commit crimes at a very high rate
- commit relatively serious crimes
- use crimes as their principal source of income
- specialize (or are especially expert) in a certain type of crime
- have some combination of these characteristics.

Such criminals are often described as chronic, habitual, repeat, serious, high-rate, or professional offenders.

Some criminals exhibit all of the above characteristics, but most do not. Some high-rate offenders are arrested frequently and others rarely. In fact, some low-rate offenders are arrested more often than some high-rate ones. The frequency with which an offender commits crimes varies over time. Thus, an offender could be high-rate one month and low-rate the next. Similarly, the offender who commits a serious crime may or may not be committing serious or other crimes at a high rate. And some high-rate and/or serious offenders have no or almost no official prior record of involvement in crime.

A few criminals commit many crimes

Most offenders commit crimes at low rates, but a few do so at very high rates.

Studies in Philadelphia, Pennsylvania; Racine, Wisconsin; and Columbus, Ohio, show that 23 to 34% of the juveniles involved in crime are responsible for 61 to 68% of all the crimes committed by juveniles. In a national sample of U.S. youths age 11–17, the 7% who were the most active offenders committed about 125 crimes per year each, whereas the 55% who were the least active committed an average of fewer than 8 per year.

The same disproportionate pattern occurs with adults. The Chaikens' study of nearly 2,200 offenders coming into California, Michigan, and Texas jails and prisons found that 50% of the robbers committed an average of fewer than 5 robberies per year, but a robber in the most active 10% committed more than 85 per year. And, while 50% of the burglars averaged fewer than 6 burglaries per year, the most active 10% averaged more than 232 per year.

A Washington, D.C., study reported that 24% of all the adult arrests were attributable to just 7% of the adults arrested. Similarly, a 22-State study by BJS of young parolees revealed that about 10% of this group accounted for 40% of their later arrest offenses.

High-rate offenders seldom specialize in one type of crime

Instead, they tend to commit a variety of misdemeanors and felonies as well as both violent and property crimes. They also often engage in related crimes, such as property and drug offenses.

Few repeat offenders are full-time criminals

Most chronic offenders have irregular sources of income. And they usually commit crimes during the periods they are not employed. However, some prefer a "criminal career" to conventional employment.

Juvenile delinquency often foreshadows adult criminal activity

Most juvenile delinquents do not go on to become adult criminals, but many do continue to commit crimes.

- In Marion County, Oregon, 30% of the juvenile boys convicted of serious crime were later convicted of serious crimes as adults.

- In Chicago, 34% of the boys appearing in juvenile court later went to jail or prison as adults.

- The criminal records of 210 serious California juvenile offenders were examined to find out how many crimes they committed from age 18 to 26. Of this group, 173 (86%) were arrested for 1,507 crimes, including:

5	homicides
12	rapes
20	other sex offenses
40	weapon offenses
88	robberies
131	assaults
166	drug offenses
211	burglaries.

The more serious the juvenile career, the greater the chances of adult criminality

In New York City, 48% of the juveniles who had only 1 year of juvenile activity had one or more adult arrests and 15% were serious adult offenders. In contrast, 78% of those with lengthy juvenile careers were arrested as adults and 37% were serious adult offenders.

Source: *Report to the Nation on Crime and Justice.*

Chapter 5: Juvenile Justice

Overview: A four-unit chapter highlighting the history of juvenile justice, the laws pertaining to delinquency, the processes of adjudication, constitutional rights of juveniles, and correctional options for juvenile offenders.

Objectives: By the completion of this chapter, students will be able to:

1. Demonstrate a historical awareness of developments in juvenile justice by comparing the treatment of juveniles in the past with methods used today;
2. Distinguish between procedures that apply to juveniles and those that apply to adult criminal defendants;
3. Identify status, non-status, and non-delinquent behaviors and distinguish among them given hypothetical situations;
4. Identify screening criteria used at juvenile intake and apply them to given situations;
5. Identify constitutional due process rights guaranteed to juveniles;
6. Identify criteria used to determine fitness to be adjudicated as a juvenile and apply that criteria to hypothetical situations;
7. State and support a reasoned opinion about the constitutionality of the death penalty for juveniles.

INTRODUCTION

TV 5.1

UNIT 1: FROM CRIMINAL TO DELINQUENT

LESSON SEQUENCE 1

• **History: Children and the Law**—Reading and discussion about how the law historically treated children in England and America, including early reform movements to treat children differently from adults. (p. 187)

• **From the Criminal to Delinquent: A Time for Reform**—Reading and discussion about how the concept of delinquency arose. (p. 190)

LESSON SEQUENCE 2

• **Class Activity: Same or Different?**—In small groups, students determine in four fact situations whether an adult and juvenile should be treated the same. (p. 192)

• **Different Worlds:** Chart and discussion about the differences between the juvenile and adult justice systems. (p. 193)

UNIT 2: THE PROBLEM OF DELINQUENCY

LESSON SEQUENCE 1

• **What is Delinquency?:** Reading and discussion about delinquency and status offenses. (p. 194)

• **Class Activity: Are You Now or Have You Ever Been?**—In small groups, students evaluate a list of behaviors to determine which are crimes, which of the others are harmful to young people, and which should not be classified as delinquent. (p. 194)

LESSON SEQUENCE 2

• **A Tour of the System:** Explanatory reading and discussion featuring a flow chart on juveniles processed through the system. (p. 195)

• **Class Activity: Who Should be in the System?**—In pairs, students determine which, if any, government agency should be responsible for juveniles in hypothetical situations. (p. 197) TV 5.2

LESSON SEQUENCE 3

• **Initial Detention of Juveniles:** Reading describing pre-hearing detention problems and a proposed solution. (p. 197)

• **Class Activity: Detain or Release**—In pairs, students role-play intake officers at a juvenile facility and, using screening criteria and their judgment, determine whether to keep particular juveniles in custody or release them. (p. 199) TV 5.3 R

UNIT 3: CHILDREN AND THE CONSTITUTION

LESSON SEQUENCE 1

• **The Rights of Juveniles:** Reading and discussion about the Supreme Court's *Gault* decision which guaranteed certain rights to juveniles in juvenile court. (p. 202)

• **Does the Fourth Amendment Protect High School Students from Searches by School Officials?:** Reading and discussion about the Supreme Court decision in *New Jersey v. T.L.O.* (p. 204)

LESSON SEQUENCE 2

• **Class Activity: The Court Decides**—In small groups, students decide four cases involving three issues left unanswered by *Gault:* right to the reasonable doubt standard, right to a jury trial, (3) protection against double jeopardy. (p. 205)

Answers to Class Activity

1. *In the Matter of Samuel Winship* (1970). A five-member majority ruled in Winship's favor. A sixth justice concurred with the judgment, since requiring reasonable doubt standards would not jeopardize the aims of juvenile justice, but felt there was not necessarily any relationship between the due process requirement of criminal and juvenile proceedings. The remaining three justices dissented because the Constitution doesn't specify the reasonable doubt standard; juvenile justice systems need flexibility: and, barring a direct violation of due process, the issue should be left to individual state legislatures.

2. *In Re Barbara Burrus* (1971). By a vote of 5-4, the court declared that, as long as juvenile proceedings were fundamentally fair, neither trials by jury nor public trials in juvenile proceedings were necessary. One dissenting justice felt that, though jury trials weren't mandated, public proceedings were needed in order to protect the juvenile from misuse of judicial power. The remaining three justices thought the Constitution protected juveniles' right to trial by jury when charged with offenses which would be triable by jury if the offender was an adult.

3. *McKeiver v. Pennsylvania* (1971). A six-member majority agreed that the due process clause of the 14th Amendment did not require juvenile jury trials. (The justice who had dissented in *Burrus* because North Carolina didn't allow a public hearing reversed himself in this case, since Pennsylvania's laws did let detained juveniles request public hearings.) The justices who dissented in *Burrus* based their repeat performance on the same reasoning.

4. *Breed v. Jones* (1975). A unanimous Supreme Court ruled that the double jeopardy clause of the Fifth Amendment prohibited prosecution in adult court after an adjudicatory hearing in juvenile court. The decision to prosecute juveniles as adults must be made before they are tried in juvenile court.

Crime Beat: Students find out about the rights extended to juveniles in their state. (p. 208)

UNIT 4: JUVENILE CORRECTIONS

LESSON SEQUENCE 1

• **Options for Placing Juvenile Offenders:** Reading and discussion about juvenile corrections and placement options, including a comparison of two extremely different systems in California and Massachusetts. (p. 210)

• **Problems with Locking Up Juveniles:** Reading and discussion about efforts to remove juveniles from contact with adult prisoners. (p. 212)

• **At Home Plus:** Reading and discussion about three programs for juvenile offenders living at home. (p. 214)

Crime Beat: Students find out about different local juvenile corrections options. (p. 215)

Newsbreak: Students report on articles about juvenile placement programs. (p. 216)

• **Class Activity: Individual Treatment Plan**—In small groups, students decide on treatment plans for six hypothetical cases. (p. 216)

LESSON SEQUENCE 2

• **The Question of Waiver:** Reading and discussion about the process of referring juvenile offenders to adult court. (p. 217)

• **Class Activity: A Waiver Hearing**—Students individually apply waiver guidelines to six case studies, write reasons for their decisions, and then discuss cases in groups of three and vote. (p. 218)

LESSON SEQUENCE 3

• **Wayne Thompson and the Death Penalty:** Reading and discussion about the case of Wayne Thompson who appealed his death sentence to the Supreme Court because he was 15 at the time of his crime. (p. 219)

• ***Thompson v. Oklahoma* (1988):** Reading and discussion about the decision and subsequent Supreme Court decisions on the constitutionality of executing juveniles. (p. 220)

• **Class Activity: Should Juveniles Convicted of Murder Be Executed?**—Students line up according to their feelings on this issue, discuss their reasoning in pairs, then the line moves and students take turns expressing opinions with another partner. (p. 220)

Crime Beat: Students find out whether juveniles can be executed in their state. (p. 221)

LESSON SEQUENCE 4

• **Current Trends and Controversies:** Reading and discussion about summary of past issues and an overview of the current issues surrounding increasing incarceration, over-representation of minorities, and how to deal with status offenders. (p. 221)

• **Class Activity: What Should Be Done?**—Students write essays on whether the juvenile justice system should try to rehabilitate or punish serious offenders. (p. 223)

Cases involving juveniles are handled much differently than adult cases

The juvenile court and a separate process for handling juveniles resulted from reform movements of the late 19th century

Until that time juveniles who committed crimes were processed through the criminal courts. In 1899 Illinois established the first juvenile court based on the concepts that a juvenile was a salvageable human being who needed treatment rather than punishment and that the juvenile court was to protect the child from the stigma of criminal proceedings. Delinquency and other situations such as neglect and adoption were deemed to warrant the court's intervention on the child's behalf. The juvenile court also handled "status offenses" (such as truancy, running away, and incorrigibility), which are not applicable to adults.

While the juvenile courts and the handling of juveniles remain separated from criminal processing, the concepts on which they are based have changed. Today, juvenile courts usually consider an element of personal responsibility when making decisions about juvenile offenders.

Juvenile courts may retain jurisdiction until a juvenile becomes legally an adult (at age 21 or less in most States). This limit sets a cap on the length of time juveniles may be institutionalized that is often much less than that for adults who commit similar offenses. Some jurisdictions transfer the cases of juveniles accused of serious offenses or with long criminal histories to criminal court so that the length of the sanction cannot be abridged.

Juvenile courts are very different from criminal courts

The language used in juvenile courts is less harsh. For example, juvenile courts—

- accept "petitions" of "delinquency" rather than criminal complaints
- conduct "hearings," not trials
- "adjudicate" juveniles to be "delinquent" rather than find them guilty of a crime
- order one of a number of available "dispositions" rather than sentences.

Despite the wide discretion and informality associated with juvenile court proceedings, juveniles are protected by most of the due process safeguards associated with adult criminal trials.

Most referrals to juvenile court are for property crimes, but 17% are for status offenses

Reasons for referrals to juvenile courts

11%	**Crimes against persons**	
	Criminal homicide	1%
	Forcible rape	2
	Robbery	17
	Aggravated assault	20
	Simple assault	59
		100%
46%	**Crimes against property**	
	Burglary	25%
	Larceny	47
	Motor vehicle theft	5
	Arson	1
	Vandalism and trespassing	19
	Stolen property offenses	3
		100%
5%	**Drug offenses**	100%
21%	**Offenses against public order**	
	Weapons offenses	6%
	Sex offenses	6
	Drunkenness and disorderly conduct	23
	Contempt, probation, and parole violations	21
	Other	44
		100%
17%	**Status offenses**	
	Running away	28%
	Truancy and curfew violations	21
	Ungovernability	28
	Liquor violations	23
		100%
100%	Total all offenses	

Note: Percents may not add to 100 because of rounding.

Source: *Delinquency in the United States 1983*, National Center for Juvenile Justice, July 1986.

Arrest is not the only means of referring juveniles to the courts

While adults may begin criminal justice processing only through arrest, summons, or citation, juveniles may be referred to court by law enforcement agencies, parents, schools, victims, probation officers, or other sources.

Law enforcement agencies refer three-quarters of the juvenile cases, and they are most likely to be the referral source in cases involving curfew violations, drug offenses, and property crimes. Other referral sources are most likely in cases involving status offenses (truancy, ungovernability, and running away).

"Intake" is the first step in the processing of juveniles

At intake, decisions are made about whether to begin formal proceedings. Intake is most frequently performed by the juvenile court or an executive branch intake unit, but increasingly prosecutors are becoming involved. In addition to beginning formal court proceedings, officials at intake may refer the juvenile for psychiatric evaluation, informal probation, or counseling, or, if appropriate, they may close the case altogether.

For a case involving a juvenile to proceed to a court adjudication, the intake unit must file a petition with the court

Intake units handle most cases informally without a petition. The National Center for Juvenile Justice estimates that more than half of all juvenile cases disposed of at intake are handled informally without a petition and are dismissed and/or referred to a social service agency.

Initial juvenile detention decisions are usually made by the intake staff

Prior to holding an adjudicatory hearing, juveniles may be released in the custody of their parents, put in protective custody (usually in foster homes or runaway shelters), or admitted to detention facilities. In most States juveniles are not eligible for bail, unlike adults.

Relatively few juveniles are detained prior to court appearance

One juvenile case in five involved secure detention prior to adjudication in 1983. Status offenders were least likely to be detained. The proportion of status offenders detained has declined from 40% in 1975 to 11% in 1983.

Source: *Report to the Nation on Crime and Justice.*

Major National Trends 1978–1989

- The youth population declined by 11 percent between 1979 and 1989.
- The number of juveniles in custody (based on a 1-day count) increased 31 percent, from 71,922 to 93,945. The increase was slightly greater in private juvenile facilities (32 percent) than in public juvenile facilities (30 percent).
- The overall custody rates for juveniles in public and private juvenile facilities increased 46 percent, from 251 per 100,000 in 1979 to 367 per 100,000 in 1989. The rate of custody for private facilities increased 48 percent, while the custody rate for public facilities increased 45 percent.
- Juvenile corrections has become increasingly privatized. While admissions to both public and private juvenile facilities increased 19 percent, admissions to private facilities increased by 104 percent, compared with 9 percent for public facilities.
- Admission rates for juveniles in public and private facilities increased 34 percent, from 2,220 per 100,000 in 1978 to 2,974 per 100,000 in 1988. The rate of admissions for private facilities increased 129 percent, compared with 22 percent for public facilities.
- Admissions of females to juvenile facilities increased by 18 percent overall; however, female admissions to private facilities rose much faster, increasing 96 percent, compared with a 2-percent decline in admissions to public facilities.
- Admissions of males to juvenile facilities increased 20 percent overall; however, male admissions to private facilities increased more than 109 percent, compared with a 12-percent increase in admissions to public facilities.
- In 1989, males constituted the majority of both admissions (78 percent) and 1-day counts (81 percent) for all juvenile facilities. Males constituted an even greater proportion of admissions (82 percent) and juveniles held in custody (88 percent) for public juvenile facilities. In comparison, the proportions of female admissions (40 percent) and juveniles held in custody (30 percent) were greatest in private facilities.
- In 1989, the vast majority (82 percent) of youth held in public facilities were in training schools (50 percent) and detention centers (32 percent), whereas the majority of youth held in private juvenile facilities were in halfway houses (58 percent).
- Based on 1-day counts in 1989, 60 percent (56,123) of all juveniles were confined in public facilities, whereas 40 percent (37,822) were confined in private juvenile facilities.
- The juvenile population confined in public and private facilities increased by 13 percent from 1985 to 1989; however, this increase was not shared equally by racial and ethnic groups. During this period the proportion of black and Hispanic youths in custody increased by 9 percent and 4 percent, respectively, while the proportion of white youth held declined 13 percent.
- A juvenile held in a public facility in 1989 was most likely to be black, male, between 14 and 17 years of age, and held for a delinquent offense such as a property crime or a crime against a person.

Source: *National Juvenile Custody Trends 1978-1988*, OJJDP.

Chapter 6: Solutions

Overview: A three-unit chapter focusing on the ongoing debate over the causes of crime; the role of state and federal government in addressing America's crime problems with public policy initiatives; and the role of the citizen in helping solve problems associated with crime and criminal justice at the local level.

Objectives: By the completion of this chapter, students will be able to:

1. Identify and evaluate social and individual factors proposed as causing crime;
2. Describe the role of the federal, state and local government in addressing crime problems;
3. Evaluate public policy proposals to assure fairness in the criminal justice system using given criteria;
4. Demonstrate a historical awareness of constructive and destructive attempts to attack crime problems;
5. Identify opportunities for citizens to become involved in reducing crime and improving police-community relations;
6. Evaluate public policy proposals for the allocation of resources in addressing crime problems using given criteria; and
7. Generate and evaluate recommendations for reducing a community's crime problem.

INTRODUCTION

6.1

UNIT 1: THE CAUSES OF CRIME

LESSON SEQUENCE 1

• **Theories and Approaches:** Brief introductory reading on causes of crime. (p. 226)

• **Social and Cultural Factors:** Reading and discussion about some social and cultural factors causing crime, such as poverty and unemployment, racial discrimination, child abuse and neglect, values that make crime more acceptable, and movies and television. (p. 228)

• **Activity: Homicide Rates**—Students create statistics about homicide rates per 100,000 people from raw data. (p. 231)

Crime Beat: Students find the population of their community and the number of homicides and create homicide statistics. (p. 232)

LESSON SEQUENCE 2

• **Individual and Situational Factors:** Reading and discussion about individual and situational factors causing crime, such as biology, drugs and alcohol, guns, and rational choice. (p. 231)

• **Class Activity: The Causes of Crime**—Students meet in groups of four, select one of the causes of crime, brainstorm solutions, choose their best solution, and present it to the class. (p. 237)

UNIT 2: CRIME AND THE GOVERNMENT

LESSON SEQUENCE 1

• **The Role of Government:** Brief introductory overview of the unit. (p. 238)

• **Crime and the Federal Government:** Reading and discussion about the roles of the executive, legislative, and judicial branches of federal government in crime control. (p. 238)

• **Activity: TV Quiz**—Students in two teams compete to find out what different sections of the Constitution have to do with crime. (p. 239)

Answers to Activity

1. Article I, Section 9: Forbids illegal detention, bills of attainder (laws pronouncing specific people guilty of crimes), or ex post facto laws (laws making acts guilty after they've been committed).

2. Article II, Section 3: Defines the president's responsibility to "take care that the laws be faithfully executed."

3. Article III, Section 2: Defines responsibility of federal judiciary to resolve certain criminal controversies. Mandates trial by jury and trial in the state where the crime was committed.

4. Article I, Section 8: Gives Congress power to punish counterfeiting: establish tribunals inferior to the Supreme Court: punish piracies, felonies committed on the high seas and crimes against the law of nations: and to legislate, as necessary, to execute the government's prescribed power.

5. Amendment 4: Forbids unreasonable searches and seizures and allows for warrants only upon probable cause.

6. Amendment 5: Mandates indictment by Grand Jury, and forbids double jeopardy, self-incrimination, and punishment without due process.

7. Amendment 6: Guarantees speedy and public trial, impartial jury of peers, cross examination of witnesses, assistance of counsel, ability to subpoena witnesses and right to be informed of charges and evidence.

8. Amendment 8: Forbids excessive bail and fines, as well as cruel or unusual punishments.

9. Amendment 14: Mandates equal protection of the laws and requires due process.

SPECIAL BONUS: (1) treason, (2) levying war against the United States or giving aid and comfort to the enemies of the United States.

LESSON SEQUENCE 2

• **Federal Policy: Civil Forfeiture**—Reading and discussion on the nature and impact of federal forfeiture statutes. (p. 241)

• **Class Activity: A Debate on Federal Forfeiture**—Students complete a debate activity on the issue of federal forfeiture law. (p. 242)

LESSON SEQUENCE 3

• **An Attack on Crime: The State Level**—Reading and discussion about the different branches of state government and their role in fighting crime. (p. 244)

• **The New Role of State Supreme Courts:** Reading and discussion about criminal defendants basing their appeals on state constitutions instead of the U.S. Constitution. (p. 245)

Crime Beat: Students find information about their state court system and create a chart of its structure. (p. 244)

• **Class Activity: The Fictional State of Columbia**—Students role-play a state senate committee debating a proposed crime bill. (p. 245)

Newsbreak: Students report on articles about proposals for government action against crime. (p. 249)

LESSON SEQUENCE 4

• **The Color of Justice:** Reading and discussion about whether the criminal justice system discriminates against minorities. (p. 249)

• **Class Activity: Toward a Colorblind Justice System**—Students evaluate proposals to prevent discrimination in plea bargaining, jury verdicts, sentencing, and the death penalty. (p. 253)

UNIT 3: CRIME AND THE CITIZEN

LESSON SEQUENCE 1

• **Getting Involved in Fighting Crime:** Brief introduction on what citizens can do about crime at the local level. (p. 254)

• **Vigilantes in American History:** Reading and discussion about vigilantism in American history. (p. 254)

• **Activity: Vigilante Episodes**—Students read selected books or view films on vigilantism and report back to class. (p. 257)

• **Guardian Angels:** Reading and discussion about a citizen patrol group—the Guardian Angels. (p. 258)

LESSON SEQUENCE 2

• **Crime in the Schools:** Reading and discussion about the history of the problem of violence in U.S. schools. (p. 259)

• **Class Activity: Trouble at Coolidge High**—Students take part in a simulation of a school dealing with its crime problem. (p. 260)

• **Activity: What Are Communities Doing about Crime in Schools?**—A student research activity on statistics and programs to reduce crime in schools. (p. 261)

LESSON SEQUENCE 3

• **Burglary Prevention:** Reading and discussion about preventing burglary with neighborhood watch programs. (p. 262)

Ask an Expert: Class invites an officer from a burglary-prevention unit to discuss the burglary problem in the community and practical steps for burglary prevention. (p. 265)

• **Activity: A Home Security Check**—Students apply a checklist to determine how secure their own homes are against the threat of burglary. (p. 264)

• **Activity: Organizing a Neighborhood Meeting**—Students organize a burglary awareness meeting for their own neighborhoods. (p. 263)

LESSON SEQUENCE 4

• **Class Activity: Fighting Crime in the City of Athena**—Students role-play interest groups and a mayoral committee making a decision about how to spend federal money on crime programs. (p. 266) **6.1** and **6.2**

LESSON SEQUENCE 5

• **A Conclusion on Crime:** Reading and discussion about different proposed solutions to reduce the problem of crime. (p. 270)

• **Class Activity: What Should Be Done?**—Students write recommendations on what to do about the problem of crime. (p. 273)

To what extent are weapons involved in crime?

Except for homicide, most violent crimes do not involve weapons

Weapon use	Homicide	Rape	Robbery	Assault
Weapon used	93%	25%	49%	34%
Firearm	59	11	23	12
Knife	21	14	21	10
Other	13	5	13	15
None used	7%	75%	51%	66%

Note: Because some victimizations involve more than one type of weapon, totals may add to more than 100%.

Sources: *The use of weapons in committing crimes*, BJS Special Report, January 1986, and FBI *Crime in the United States 1985*.

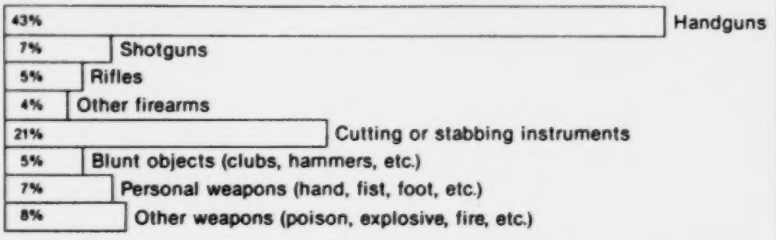
Weapons are most often used to threaten

Violent offenders may use weapons to force the victim to submit to the offenders' demands without actually assaulting the victim and causing injury. Offenders armed only with a gun actually shot victims in somewhat less than 4% of all violent victimizations and attempted to shoot the victim in 21% of such incidents; offenders armed only with knives actually stabbed victims in 10% and tried to stab victims in another 12% of all victimizations. More than half of all victimizations by offenders armed only with guns (58%) and half of all victimizations by offenders armed only with knives involved only the threat posed by the weapon itself.

Armed offenders seldom had more than one type of weapon

According to NCS, in about 93% of all victimizations between 1973 and 1982 in which offenders possessed weapons, the offenders had only one type of weapon (that is, only guns or only knives or only other objects used as weapons).

Handguns were used in 43% of all homicides in 1985



Source: FBI *Crime in the United States 1985*.

An offender's choice of weapons can affect crime completion

NCS data indicate that an offender with a gun rather than with a knife or other weapon has a greater ability to complete robberies or rapes. Offenders with guns or knives completed a higher proportion of rapes than did unarmed offenders and those armed with other weapons.

The armed assailants that victims face are more likely to be strangers than nonstrangers

In 68% of the victimizations that involved a weapon, the victim and offender were strangers rather than acquaintances (26%) or relatives (6%). Strangers were the offenders in 71% of all victimizations involving guns, 68% of all involving knives, and 65% of all involving other weapons.

Victims attacked by armed offenders were more likely than those attacked by unarmed offenders to be injured seriously

Violent victimizations involving—	Percent of violent victimizations where the victim— Was attacked	Was attacked and injured	Was injured and needed medical help	Needed medical help in a hospital
Unarmed offenders	52%	30%	10%	6%
Armed offenders	49%	30%	15%	11%
Gun only	37	14	8	6
Knife only	43	25	14	10
Other only (rocks, bottles, sticks, etc.)	63	45	22	15
Combination of weapons	58	38	21	15

Source: *The use of weapons in committing crimes*, BJS Special Report, January 1986.

Source: *Report to the Nation on Crime and Justice.*

The courts participate in and supervise the judicial process

The courts have several functions in addition to deciding whether laws have been violated

The courts—
- settle disputes between legal entities (persons, corporations, etc.)
- invoke sanctions against law violations
- decide whether acts of the legislative and executive branches are constitutional.

In deciding about violations of the law the courts must apply the law to the facts of each case. The courts affect policy in deciding individual cases by handing down decisions about how the laws should be interpreted and carried out. Decisions of the appellate courts are the ones most likely to have policy impact.

Using an arm of the State to settle disputes is a relatively new concept

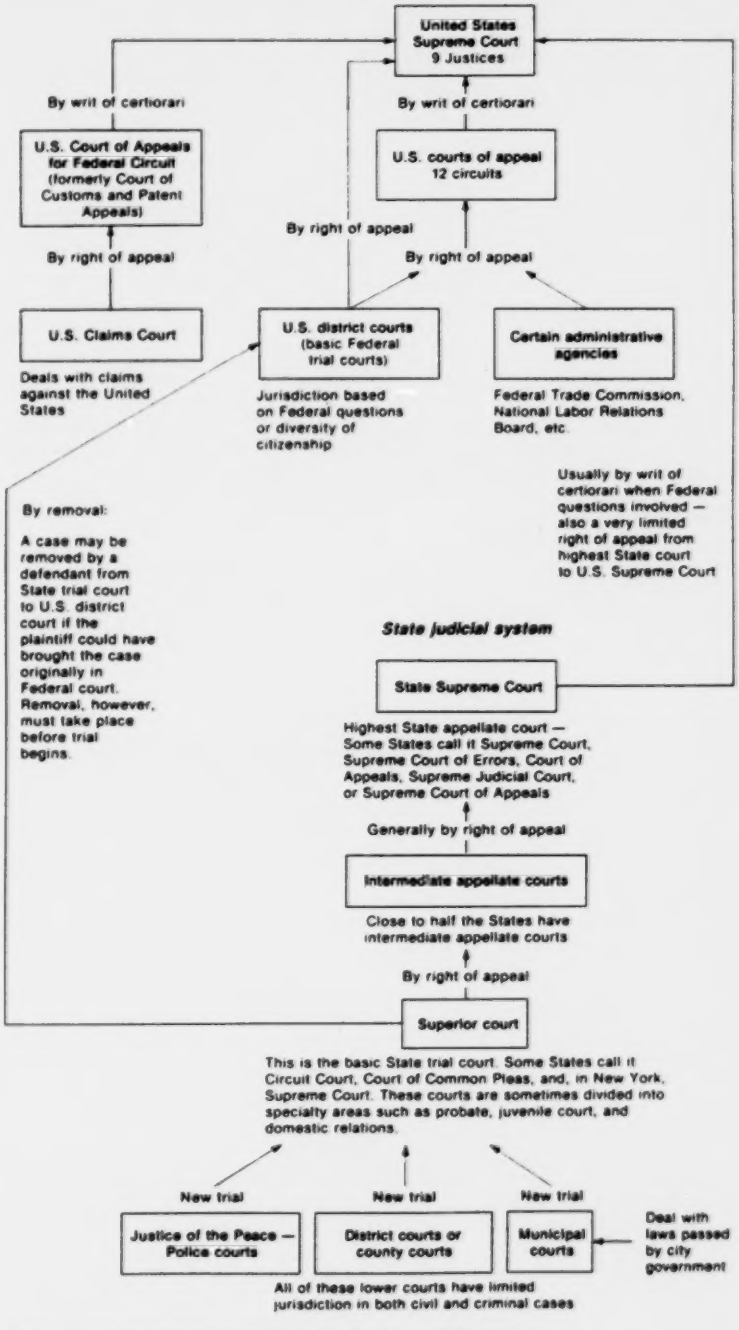
Until the Middle Ages disputes between individuals, clans, and families, including those involving criminal acts, were handled privately. Over time, acts such as murder, rape, robbery, larceny, and fraud came to be regarded as crimes against the entire community, and the State intervened on its behalf. Today in the United States the courts handle both civil actions (disputes between individuals or organizations) and criminal actions.

An independent judiciary is a basic concept of the U.S. system of government

To establish its independence and impartiality, the judiciary was created as a separate branch of government co-equal to the executive and the legislative branches. Insulation of the courts from political pressure is attempted through—
- the separation of powers doctrine
- established tenure for judges
- legislative safeguards
- the canons of legal ethics.

Courts are without the power of enforcement. The executive branch must enforce their decisions. Furthermore, the courts must request that the legislature provide them with the resources needed to conduct their business.

Courts at various levels of government interact in many ways


United States Supreme Court 9 Justices
By writ of certiorari
By writ of certiorari
U.S. Court of Appeals for Federal Circuit (formerly Court of Customs and Patent Appeals)
U.S. courts of appeal 12 circuits
By right of appeal
By right of appeal
By right of appeal
U.S. Claims Court
U.S. district courts (basic Federal trial courts)
Certain administrative agencies
Deals with claims against the United States
Jurisdiction based on Federal questions or diversity of citizenship
Federal Trade Commission, National Labor Relations Board, etc.
Usually by writ of certiorari when Federal questions involved — also a very limited right of appeal from highest State court to U.S. Supreme Court
By removal:
A case may be removed by a defendant from State trial court to U.S. district court if the plaintiff could have brought the case originally in Federal court. Removal, however, must take place before trial begins.
State judicial system
State Supreme Court
Highest State appellate court — Some States call it Supreme Court, Supreme Court of Errors, Court of Appeals, Supreme Judicial Court, or Supreme Court of Appeals
Generally by right of appeal
Intermediate appellate courts
Close to half the States have intermediate appellate courts
By right of appeal
Superior court
This is the basic State trial court. Some States call it Circuit Court, Court of Common Pleas, and, in New York, Supreme Court. These courts are sometimes divided into specialty areas such as probate, juvenile court, and domestic relations.
New trial
New trial
New trial
Justice of the Peace — Police courts
District courts or county courts
Municipal courts
Deal with laws passed by city government
All of these lower courts have limited jurisdiction in both civil and criminal cases

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Source: *Report to the Nation on Crime and Justice.*

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Each State has a system of trial and appeals courts

Generally, State court systems are organized according to three basic levels of jurisdiction:

• **Courts of limited and special jurisdiction** are authorized to hear only less serious cases (misdemeanors and/or civil suits that involve small amounts of money) or to hear special types of cases such as divorce or probate suits. Such courts include traffic courts, municipal courts, family courts, small claims courts, magistrate courts, and probate courts.

• **Courts of general jurisdiction**, also called major trial courts, are unlimited in the civil or criminal cases they are authorized to hear. Almost all cases originate in the courts of limited or special jurisdiction or in courts of general jurisdiction. Most serious criminal cases are handled by courts of general jurisdiction.

• **Appellate courts** are divided into two groups, intermediate appeals courts, which hear some or all appeals that are subject to review by the court of last resort, and courts of last resort, which have jurisdiction over final appeals from courts of original jurisdiction, intermediate appeals courts, or administrative agencies. As of 1985, 36 States had intermediate appellate courts, but all States had courts of last resort.

The U.S. Constitution created the U.S. Supreme Court and authorized the Congress to establish lower courts as needed

The Federal court system now consists of various special courts, U.S. district courts (general jurisdiction courts), U.S. courts of appeals (intermediate appellate courts that receive appeals from the district courts and Federal administrative agencies), and the U.S. Supreme Court (the court of last resort). Organized on a regional basis are U.S. courts of appeals for each of 11 circuits and the District of Columbia. In Federal trial courts (the 94 U.S. district courts) more than 300,000 cases were filed in 1985; there was one criminal case for every seven civil cases. In 1985 more than half the criminal cases in district courts were for embezzlement, fraud, forgery and counterfeiting, traffic, or drug offenses.

Court organization varies greatly among the States

State courts of general jurisdiction are organized by districts, counties, dual districts, or a combination of counties and districts. In some States the courts established by the State are funded and controlled locally. In others the court of last resort may have some budgetary or administrative oversight over the entire State court system. Even within States there is considerable lack of uniformity in the roles, organization, and procedures of the courts. This has led to significant momentum among States to form "unified" court systems to provide in varying degrees, for uniform administration of the courts, and, in many cases, for the consolidation of diverse courts of limited and special jurisdiction.

Most felony cases are brought in State and local courts

The traditional criminal offenses under the English common law have been adopted, in one form or another, in the criminal laws of each of the States. Most cases involving "common law" crimes are brought to trial in State or local courts. Persons charged with misdemeanors are usually tried in courts of limited jurisdiction. Those charged with felonies (more serious crimes) are tried in courts of general jurisdiction.

In all States criminal defendants may appeal most decisions of criminal courts of limited jurisdiction; the avenue of appeal usually ends with the State supreme court. However, the U.S. Supreme Court may elect to hear the case if the appeal is based on an alleged violation of the Constitutional rights of the defendant.

State courts process a large volume of cases, many of them minor

In 1983, 46 States and the District of Columbia reported more than 80 million cases filed in State and local courts. About 70% were traffic-related cases, 16% were civil cases (torts, contracts, small claims, etc.), 13% were criminal cases, and 1% were juvenile cases.

Civil and criminal cases both appear to be increasing. Of 39 States that reported civil filings for 1978 and 1983, 32 had increases. Of the 36 States that reported criminal filings for both years, 33 showed an increase in the volume of criminal filings.

In the 24 States that could report, felony filings comprised from 5% to 32% of total criminal filings with a median of 9%.

Victims and witnesses are taking a more significant part in the prosecution of felons

Recent attention to crime victims has spurred the development of legislation and services that are more responsive to victims.

• Some States have raised witness fees from $5–10 per day in trial to $20–30 per day, established procedures for victim and witness notification of court proceedings, and guaranteed the right to speedy disposition of cases

• 9 States and the Federal Government have comprehensive bills of rights for victims

• 39 States and the Federal Government have laws or guidelines requiring that victims and witnesses be notified of the scheduling and cancellation of criminal proceedings

• 33 States and the Federal Government allow victims to participate in criminal proceedings via oral or written testimony.

The separate system of justice for juveniles often operates within the existing court organization

Jurisdiction over juvenile delinquency, dependent or neglected children, and related matters is vested in various types of courts. In many States the juvenile court is a division of the court of general jurisdiction. A few States have statewide systems of juvenile or family courts. Juvenile jurisdiction is vested in the courts of general jurisdiction in some counties and in separate juvenile courts or courts of limited jurisdiction in others.

Source: *Report to the Nation on Crime and Justice.*

IV. ACTIVITY MASTERS

List of Activity Masters

0.1 Newsbreak
0.2 Research Activities for Enrichment and Extra Credit
0.3 Opinion Surveying
1.1 Legal-Ease
1.2 Crime Victims Board
1.3 Crime Victim Survey
2.1 Legal-Ease
2.2 Sampling Class Opinion
2.3 Police Call
3.1 Legal-Ease
3.2 The Prosecutor Decides
3.3 In the Halls of Justice
3.4 Choosing a Jury
3.5 The Defense Rests. . .
4.1 Legal-Ease
4.2 Survey on Corrections in America
5.1 Legal-Ease
5.2 Who Should Be in the System?
5.3 Detain or Release
6.1 Legal-Ease
6.2 Fighting Crime in the City of Athena, part one
6.3 Fighting Crime in the City of Athena, part two

ACTIVITY MASTER #0.1

Newsbreak

Criminal justice constantly makes the news. Newspapers print many items about crime, policing, trials, court decisions, sentencing, or juvenile delinquency. To keep current with *Criminal Justice in America*, you need to read newspapers or news magazines.

In this activity, you will clip out articles, editorials, and editorial cartoons about criminal justice. Below is a list of the book's chapters and under each chapter a list of suggested articles to find.

Chapter 1: Crime: Find articles on:

Proposals and programs to help crime victims.

Violence in schools and youth violence in general.

Different kinds of crime—property crime, violent crime, and other types.

Various defenses to crime, particularly insanity, self-defense, and entrapment.

Chapter 2: The Police: Find articles on:

What police do and the problems they face.

Rules that police must follow in conducting searches, seizing evidence, making arrests, and questioning suspects.

Cases of police brutality, corruption, or other misconduct and how to police this misconduct.

Community policing.

Chapter 3: Criminal Case: Find articles on:

All the stages of a criminal case: arrest, first appearance before a judge, bail, preliminary hearing or indictment, arraignment, pretrial motions, trial, sentencing, and post-trial motions.

Prosecutorial discretion in determining charges in particular cases.

Various pretrial motions, e.g. to suppress evidence, change venue, and issue gag orders.

Procedural steps in a criminal trial, including jury selection, opening statements, presentation of evidence, closing arguments, jury instructions, and jury deliberations.

Chapter 4: Corrections: Find articles on:

The purpose of punishing criminals.

Fixed, indeterminate, and mandatory sentencing, and sentencing guidelines.

Alternatives to prison such as probation, house arrest, community service, halfway houses, and others.

Prison conditions, private prisons, and prison revolts.

Parole.

Death penalty.

Chapter 5: Juvenile Justice: Find articles on:

Differences between the juvenile and adult justice systems.

Legal rights of juveniles.

Where juvenile offenders should be placed.

Referring juvenile offenders to adult court.

Juveniles and the death penalty.

Chapter 6: Solutions: Find articles on:

The causes of crime.

Proposals for government action against crime.

Action citizens are taking or can take against crime.

Follow-up:

Unlike other activities, this activity can span student coverage of the entire book. It will not be completed until you complete the text. But in each chapter, there is a newsbreak activity that will ask you to use some of the material you have collected.

Be creative. You can create a scrapbook using the chapter headings as organizers. Or, work with other students to create an ongoing class bulletin board or collage.

ACTIVITY MASTER #0.2

Research Activities for Enrichment and Extra Credit

For extra credit, you may present a report on one of the subjects listed below. These subjects all supplement material in the book. Use encyclopedias, biographies, history books, or the *Readers Guide to Periodical Literature* or *Infotrac* in the library to help you research your report.

FOR CHAPTER 1: CRIMINALS AND VICTIMS

Crime victims: Kitty Genovese, Patty Hearst, the Lindbergh baby, Robert F. Kennedy, George Wallace.

Criminals: Jesse and Frank James, William H. Bonney, Butch Cassidy, William Quantrill, Joaquin Murietta, John Wilkes Booth, Bonnie Parker and Clyde Barrow, Al Capone, "Ma" Barker, Bruno Richard Hauptmann, John Dillinger, Charles Manson, Sirhan Sirhan, John Gotti, "Bugsy" Siegel, Clifford Irving, Jim Bakker, G. Gordon Liddy, Ivan Boesky.

FOR CHAPTER 2: LAW ENFORCERS AND LAW-ENFORCEMENT AGENCIES

Law enforcers: Robert Peel, Wyatt Earp, James Butler "Wild Bill" Hickok, William Barclay "Bat" Masterson, Patrick Floyd "Pat" Garrett, J. Allan Pinkerton, William J. Burns, J. Edgar Hoover, Eliot Ness, William Parker, "Popeye" Doyle, Frank Serpico, Daryl Gates, Lee Brown, Willie Williams.

Law-enforcement agencies: Federal Bureau of Investigation; Secret Service; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, and Firearms; Internal Revenue Service; Immigration and Naturalization Service; Texas Rangers; Los Angeles Police Department; your local police department.

FOR CHAPTER 3: TRIALS AND LAWYERS

Trials: Salem witch trials (1692), John Peter Zenger (1735), Aaron Burr (1807), Lambdin P. Milligan (1864), Lizzie Borden (1892), James and John McNamara (1910), Sacco and Vanzetti (1921), Leopold and Loeb (1924), Scottsboro Boys (1931), "Lucky" Luciano (1936), Alger Hiss (1950), Julius and Ethel Rosenberg (1951), Chicago Seven (1969), McMartin Preschool case (1990), Rodney King beating trials (1992 and 1993).

Lawyers: Clarence Darrow, Thomas Dewey, Edward Bennett Williams, Jerry Geisler, William Kunsler, F. Lee Bailey, Melvin Belli, Alan Dershowitz.

FOR CHAPTER 4: PRISONS, PRISONERS, AND PUNISHMENT

Prisons: Alcatraz, San Quentin, Leavenworth, Sing Sing, Attica.

Prisoners: Birdman of Alcatraz, Caryl Chessman, Sirhan Sirhan, Willie Horton, Jean Harris, Gary Gilmore, Robert Alton Harris, Clarence Chance and Benny Powell, Randall Adams, Jack Abbott, Leonel Torres Herrera.

Punishments: Penal colony, ducking stool, pillory and stocks, whipping, public shaming, firing squad, hanging, electrocution, lethal injection, gas chamber.

Opinion Surveying

TIPS ON SELECTING THE SAMPLE:

To get an accurate opinion poll of community members, you will need to select a sample that represents the community. Consider a way to include all age groups, homeowners and renters, merchants and business people, working people, different ethnic groups, and males and females. To show that you have a cross-section of the community, you probably should fill out demographic information at the top of each questionnaire. The following is an example:

Identify respondent:	**Age Range:**	**Gender:**
___School Personnel	___15-20	___Male
___Student: Circle grade: 9, 10, 11, 12	___21-35 ___36-50	___Female
___Community member	___over 50	
___Other _____		

Professional pollsters normally select a random sample. Consider these ideas for getting a random sample:

Students: Every 4th student in the lunch line.

School Staff: Every 3rd person on the staff list.

Community: Parents at a school meeting.

Local merchants and customers (with merchant's permission).

Rule of Thumb: The more people you poll, the more your poll will be trusted.

TIPS FOR CONDUCTING THE SURVEY:

Introduce yourself. Practice a brief introduction. When approaching a stranger, you should...

- introduce yourself.
- tell what school or group you are from.
- explain why you are giving a survey.
- ask whether the person would mind spending a few minutes to help you complete your project.

Don't persuade anyone to take the survey. If the person is reluctant, don't persist—the responses of a reluctant individual are normally not usable.

Tell all interviewees that they do not have to put their names on the survey. Results will be reported anonymously.

Be as organized as possible. Use a clipboard to hold the surveys and bring extra pens or pencils. If the interviewee fills out the survey, be sure to check that all the information is complete. If the demographic information needs to be completed, complete it yourself right then by asking the appropriate questions.

Be polite. Ask for clarification if the response is not clear, for example: "Would you please repeat that?" or "Please explain." If the respondent marks the survey, wait for it. If you read it to the respondent and fill it in, write exactly what the person says. Chances are, if you leave the survey to be filled in later, you will never see the form again. Thank the respondents when they are through.

If they ask you who else you are asking as part of the survey, or "How did you pick me?" explain the categories briefly and the random selection process.

Work as a team. Accompany each other in conducting a survey for support, encouragement, and safety.

TIPS ON TABULATING THE RESULTS OF YOUR SURVEY:

- Write down how your sample was chosen. People will want to know this.
- Count the number of completed surveys.
- Tabulate the survey results on one of your blank survey forms.
- Write down your *MOST SIGNIFICANT FINDINGS.*
- *Optional:* Report on any unusual comparisons of demographic characteristics (age, gender, etc.).
- Plan how you will present your data. You can present it as:

  raw numbers: "Of the 450 polled in our survey, 368 had been victims of property crimes."

  percentages: "Over 81 percent had been victims of property crimes."

  pie charts or **bar graphs**

ACTIVITY MASTER #1.1

Legal-Ease for Chapter 1

The law has a special language of its own. Below are definitions of some legal terms you will find in this chapter. Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

acquit. In a criminal case, to find a defendant not guilty.

affirmative defense. A defense such as insanity, self-defense, and entrapment. If proved by the defendant, it makes the defendant not guilty of the crime even if the prosecution can prove the elements of the crime.

arson. The crime of willfully or maliciously burning another person's property.

assault. Technically, the immediate threat of attacking someone, but usually it means a physical attack on another person.

assault with a deadly weapon. Attacking someone with a weapon that could cause fatal injuries.

battery. The illegal touching of another person, usually an attack. When used in the phrase "assault and battery," the assault is the threat of the attack and the battery the physical attack itself.

bunco. A con game; a swindle

burglary. The crime of unlawfully entering a building with the intent to commit a crime, such as theft.

civil case. A lawsuit between individuals or organizations which normally seeks monetary compensation for damages.

common law. 1. the unwritten law in England that evolved over centuries and is the basis for U.S. law. 2. Case law in the United States as opposed to statutory law.

crime. An illegal act punishable upon conviction in a court.

criminal lawyer. A prosecutor or defense attorney.

felony. Serious crime usually punished by one or more years of imprisonment in a state or federal penitentiary.

felony murder. Any killing done while a criminal is committing a felony.

fraud. The crime of obtaining another's property through lies and deceit.

larceny. The unlawful taking of another's property with the intention of permanently depriving the owner of its possession and use; theft.

lynching. A form of mob violence that punishes an accused person without a legal trial. The word comes from the American Revolution and a Colonel Charles Lynch of Virginia, who urged crowds to beat and frighten Tories, supporters of Britain.

mens rea. Guilty mind; the state of mind requirement for a crime.

misdemeanor. Crime less serious than a felony, usually punished by a fine or imprisonment up to one year in a local jail.

Model Penal Code. A criminal code composed by legal experts at the American Law Institute as a standard that legislatures may want to adopt. Unless sections of it are adopted by jurisdictions, it has no legal authority.

perjury. The crime of lying while testifying under oath.

restitution. Direct payments made from criminal to victim as compensation for a crime.

robbery. The taking of a person's property by violence or threat of violence; forcible stealing.

ACTIVITY MASTER #1.2
Crime Victims Board

Name _____ Date_____

Case Number:	Case Number:
Approve	Approve
Deny	Deny
Reasons:	Reasons:
Amount:	Amount:
Medical:	Medical:
Vocational Rehabilitation:	Vocational Rehabilitation:
Funeral or Burial:	Funeral or Burial:
Earnings:	Earnings:
Support:	Support:
Cash or essential personal property:	Cash or essential personal property:
Case Number:	Case Number:
Approve	Approve
Deny	Deny
Reasons:	Reasons:
Amount:	Amount:
Medical:	Medical:
Vocational Rehabilitation:	Vocational Rehabilitation:
Funeral or Burial:	Funeral or Burial:
Earnings:	Earnings:
Support:	Support:
Cash or essential personal property:	Cash or essential personal property:

ACTIVITY MASTER #1.3
Crime Victim Survey

Crime Victim Survey

Questions	Y	N	Explanations
1. Have you ever been a victim of a crime, such as bike theft, burglary, assault, etc.?			
2. Have any members of your family been victims of crime?			
3. Have any nearby neighbors ever been victims of crime?			
4. Do you feel unsafe alone at night in your own neighborhood?			
5. Do you believe a crime problem exists at the local schools?			
6. Has crime forced the people in your family to change any part of their lives?			
7. Do you think the police in your community are doing an adequate job of protecting you and other citizens from crime?			
8. Compared to one year ago, do you think the crime problem in your community has gotten worse?			

ACTIVITY MASTER #2.1

Legal-Ease for Chapter 2

The law has a special language of its own. Below are definitions of some legal terms you will find in this chapter. Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

appellate court. A court that hears appeals; not a trial court.

arrest. Taking a person into custody for the purpose of charging the person with a crime.

citizen review boards. An official group, staffed by ordinary citizens, authorized to review complaints of police misconduct.

civil court. A court that handles civil cases rather than criminal cases.

civilian review boards. Another term for citizen review boards.

criminal procedure. The rules for processing someone through the criminal justice system.

deadly force. Force that poses a high risk of death or serious injury to a human.

exclusionary rule. A judicial rule that prevents the government from introducing illegally obtained evidence at a criminal trial.

interrogation. Questioning.

magistrate. A court officer who issues warrants, normally a lower-court judge who handles pretrial proceedings or presides over misdemeanor trials.

***Miranda* warning.** A statement about the rights of suspects which police must read to suspects in custody before questioning them.

motion. A formal request made to a court.

motion to suppress. A request to exclude evidence from the trial because it was illegally obtained.

plea bargain. An agreement struck between a criminal defendant and prosecutor. In exchange for a guilty plea from the defendant, the prosecutor will either (1) drop one of several charges, (2) lower the charge, or (3) recommend a light sentence.

probable cause. Evidence that an independent, cautious person would have good reason to believe.

prosecute. To try someone for a crime.

search. In *Katz v. United States* (1967), the Supreme Court defined a search as any governmental intrusion into something in which a person has a reasonable expectation of privacy.

seizure. Any taking into possession, custody, or control. Property may be seized, but so may people. An arrest is one form of seizure.

warrant. A court order issued by a judge authorizing a search, an arrest, or a seizure of evidence of a crime.

ACTIVITY MASTER #2.2
Sampling Class Opinion

Questionnaire

Next to each letter below, write the number that indicates the degree of your agreement or disagreement with the statement next to it.

5- strongly agree

4- agree

3- uncertain

2- disagree

1- strongly disagree

___ a. Police in my community treat most teenagers fairly.

___ b. The police in my community are doing a good job.

___ c. Police officers in my community would refuse if bribes were offered to them.

___ d. Police officers in my community generally avoid using physical force against people.

___ e. Police officers in my community generally treat wealthy people the same as poor people.

___ f. Police officers in my community generally treat males the same way as females.

___ g. Police officers in my community generally treat all racial groups in the same way.

___ h. Police should have the right to use whatever means are necessary to capture criminals.

___ i. The police often abuse their authority.

___ j. Police officers, undercover if necessary, should be assigned to school campuses.

ACTIVITY MASTER #2.3
Police Call

Name _____ Date_____

Observer Evaluation Form

So that you can remain objective, please do not participate in the discussion of your group's incident prior to the role-play.

During the role-play, observe the contact between your group and the police. After the role-play, use the checklist to evaluate it. Then present and discuss your impressions with the group.

1. How many of the incident role-players were (mark the number in front of each item):
   ___realistic
   ___too positive and friendly to the police
   ___too negative, hostile, and violent to the police
   ___totally unrealistic- overplayed their roles

2. The police role-players were:
   ___realistic
   ___too polite and willing to please the others
   ___too negative, hostile, and violent with the others
   ___unrealistic- overplayed their roles

3. From the standpoint of fairness, I believe the:
   police should have _____
   _____
   others should have _____
   _____

4. In real life, I believe the following would have happened:
   _____
   _____
   _____

ACTIVITY MASTER #3.1

Legal-Ease for Chapter 3

The law has a special language of its own. Below are definitions of some legal terms you will find in this chapter. Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

arraignment. A court hearing in which the defendant must enter a plea.

arrestee. The person arrested.

bail. A pretrial procedure permitting an arrested person to stay out of jail by depositing a set amount of money as security that the person will show up for trial.

bench. The judge's desk in the courtroom.

booking. The process of recording the arrest. A booking officer records the accused's name and address, the charges, and time and place of arrest, and may take fingerprints and photographs of the accused.

burden of proof. The responsibility of proving facts in a case. In a criminal trial, the prosecution has the burden of proving its case beyond a reasonable doubt.

case in chief. One side's trial evidence. In a criminal trial, the prosecution presents its evidence first. After it rests its case, the defense presents its case.

cross-examination. The questioning of an opponent's witnesses.

defendant. The accused in a criminal trial.

defense attorney. The attorney for the accused.

direct examination. An attorney's initial questioning of his or her own witness.

evidence. The means of determining facts in a trial.

fact finder. The one responsible for deciding the facts of a particular case and coming to a verdict; either a judge or jury.

hearing. Any court proceeding, such as a trial.

homicide. Literally, human killing. The crimes of homicide range from different degrees of murder to different kinds of manslaughter.

jurisdiction. 1. the geographical area over which particular courts have power; 2. state and federal government.

prosecutor. The government's attorney who presents the case against a criminal defendant.

prosecutorial discretion. The prosecutor's authority to decide what charges to bring and how to pursue a criminal case.

redirect examination. An attorney's requestioning of his or her own witness after cross-examination.

relevant. Pertinent, appropriate, related to the subject at hand.

testify. To make statements as a witness under oath.

testimony. Statements made by witnesses under oath.

victimless crimes. Crimes, such as prostitution and possession of illegal drugs, in which everyone is involved by choice.

voir dire. During jury selection, the questioning of prospective jurors.

ACTIVITY MASTER #3.2
The Prosecutor Decides

Name _____ Date _____

The Prosecutor Decides

CHARGES:

First-Degree Murder

• Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? Explain.

_____

_____

• Is there evidence of premeditation? Explain.

_____

_____

• Is there evidence which would show that this intent was transferred to the killing of Joyce Ann Miller (using the doctrine of transferred intent)? Explain.

_____

or

• Is there evidence to show that Thomas Carter formed an intent to kill and premeditated the killing of Joyce Ann Miller? Explain.

_____

_____

Second-Degree Murder

• Is there evidence that Thomas Carter formed an intent to kill Joyce Ann Miller? Explain.

_____

_____

or

• Is there evidence that Thomas Carter had the intent to do an act where there was an obvious risk that death or great bodily harm would result? Explain.

_____

Voluntary Manslaughter

• Is there evidence that Thomas Carter formed an intent to kill Oscar Hanks? Explain.

_____

_____

• Is there evidence that Oscar Hanks seriously provoked the actions of Thomas Carter? Explain.

_____

_____

• Is there evidence that Thomas Carter did not have sufficient time to calm down after being provoked? Explain.

_____

_____

Involuntary Manslaughter

• Is there evidence that Thomas Carter committed an act in a criminally negligent manner? Explain.

_____

_____

DECISION: Considering all relevant factors, what crime would you charge Thomas Carter with? (Be prepared to present and discuss your final recommendation with the class.)

_____

ACTIVITY MASTER #3.3
In the Halls of Justice

Name _____ Date _____

Field Experience Report

Name of Courthouse:
Address:
Telephone: Reporting Time:
Contact Person (if any):
1. Describe the general environment of the courthouse. Are the court facilities crowded and noisy, or calm and businesslike?
2. Describe the security arrangements in the court building and in the courtrooms.
3. In the arraignment court, describe what is going on.
4. In a preliminary hearing, describe what is going on.

5. At a criminal jury trial:

- What is the case about?
- Is it a felony or misdemeanor prosecution?
- Who is the prosecutor—a deputy district attorney, deputy city attorney, a federal prosecutor?
- What do you observe the prosecutor doing during the trial?
- Who is the defense attorney—a deputy public defender, private attorney?
- What do you observe the defense attorney doing during the trial?
- What do you observe the judge doing during the trial?
- Describe the questioning of one witness in the trial.
- Do the jurors seem to be attentive? Describe them.

6. What is your overall impression of your courthouse visit? Were you confused by anything you saw or heard?

7. If the opportunity arises or can be arranged, interview an officer of the court (e.g. court clerk, judge, attorney). Report back your findings.

ACTIVITY MASTER #3.4
Choosing a Jury

Name _____ Date_____

Observer Evaluation Form

1. Put a (+) in front of the most realistic role-players. Put a (-) in front of the least realistic groups.
   .....prospective jurors
   .....lawyers
   .....judge

2. The jurors who most realistically portrayed their roles were:

3. Based on the jury that was finally selected, who do you think will win this case? Why?

4. An effective question asked by the defense attorney was:

5. An effective question asked by the prosecuting attorney was:

6. A good question not asked of the prospective jurors is:

ACTIVITY MASTER #3.5
The Defense Rests. . .

Name _____ Date _____

Closing Statement Evaluation Form

Put the name of the presenter in the appropriate box. Each of the numbers below the presenter corresponds to one of the "Guidelines for an Effective Closing Statement" on pages 131-132. At the close of each presentation, place a check mark next to the number if the presenter's statement met the criterion.

Prosecutors

Presenter 1:	Presenter 2:	Presenter 3:
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.

Defense Attorneys

Presenter 4:	Presenter 5:	Presenter 6:
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.

Legal-Ease for Chapter 4

The law has a special language of its own. Below are definitions of some legal terms you will find in this chapter. Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

capital punishment. The death penalty.

deterrence. The idea that fear of punishment will prevent crimes. For example, some people might be deterred from robbing banks because they know that bank robbers go to jail.

determinate sentence. A prison sentence for a specific length of time.

fixed sentence. Another name for a determinate sentence.

indeterminate sentence. A prison sentence of an indefinite period of time, for example "one year to 30 years." Under this sentence, prisoners are released when the parole board determines they are rehabilitated.

pardon. An act by the governor or president that forgives all or part of a prisoner's sentence.

parole. The conditional release of a prisoner before the end of a prison term.

parole board. A board appointed by the governor which determines when prisoners may be released on parole.

penitentiary. A state or federal maximum-security prison.

probation. An alternative to prison. This sentence requires the offender to follow certain conditions, usually under the supervision of a probation officer.

recidivism. The committing of further crimes by offenders with previous convictions

rehabilitation. Helping convicted offenders change their behavior so that they can lead productive lives in society.

sentence. A punishment for a crime.

ACTIVITY MASTER #4.2

A Survey on Corrections in America

Survey on Corrections

Next to each letter below, write the number that indicates the degree of your agreement or disagreement with the statement next to it.

5- strongly agree

4- agree

3- uncertain

2- disagree

1- strongly disagree

___ A. Ex-convicts should be allowed to hold any job for which they are qualified.

___ B. Those arrested and charged with crimes should be held in jail until guilt or innocence is determined at their trials.

___ C. Most individuals now in prison should be released on parole. Only violent or professional criminals should be kept in prison.

___ D. Tough judges who hand out long sentences to those who break the law will make people think twice before committing crimes.

___ E. Inmates should be held in prison until authorities are sure they won't commit more crimes after release.

___ F. The reason we have prisons is to punish criminals.

___ G. Drug addicts and alcoholics should be treated and counseled rather than put in jail.

___ H. If the public were more willing to help ex-convicts, fewer would get into trouble again.

___ I. Instead of prison, most criminals should be required to take jobs so they can pay their victims for the crimes they committed or do something to help the community.

___ J. I wouldn't mind having a halfway house where ex-convicts live in my neighborhood.

___ K. Those convicted of white -collar crimes should make restitution to the people or institutions that they victimize.

___ L. Mandatory sentencing has overburdened the prison system and should be eliminated.

ACTIVITY MASTER #5.1

Legal-Ease for Chapter 5

The law has a special language of its own. Below are definitions of some legal terms you will find in this chapter. Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

adjudicatory hearing. A trial in juvenile court.

aftercare. A program for supervising a juvenile who has returned home after a period of confinement. An equivalent to parole in the adult system.

age of majority. The age a person is considered an adult for legal purposes.

delinquent act. In most states, this means an act, which if done by an adult, would be a crime. Some states, however, also include status offenses as delinquent acts.

dispositional hearing. The term for a sentencing hearing in juvenile court.

fitness hearing. A special hearing in juvenile court to determine whether a juvenile should be tried in adult court.

habeas corpus, writ of. A court order requiring authorities to release a prisoner because the court has found that the prisoner is being illegally detained.

incorrigible. A term describing juveniles who cannot be controlled by their parents.

parens patriae. The idea that the state takes the role of parents to protect juveniles.

plaintiff. The party in a lawsuit who sues the other party.

status offense. An offense, such as truancy and running away from home, that would not be a crime if committed by an adult.

training schools. Large secure facilities which hold juveniles after they are found delinquent.

victimless crimes. Crimes, such as prostitution and possession of illegal drugs, in which everyone chooses to be involved.

ACTIVITY MASTER #5.2
Who Should Be in the System?

Name _____ Date_____

Who Should Be in the System?

Who should take care of the following juvenile cases? Mark the appropriate boxes.

	State or local service agencies	Juvenile courts	Adult criminal courts	No government institution
Abuse or neglect				
Criminal influence				
Economic hardship				
Unconventional homes				
Ungovernability				
Status offenses				
Runaways				
Abuse of intoxicating substances				
Misdemeanors				
Victimless crimes				
Shoplifting				
Major theft or other property crimes				
Violent crimes				

ACTIVITY MASTER #5.3

Detain or Release

San Francisco Juvenile Detention Screening Criteria

(Shown: portion of the screening form applied at intake)

NAME OF MINOR _____ **PFN** _____ **ADMIT DATE** _____

ADMIT TIME _____

MOST SERIOUS INSTANT OFFENSE _____ **ARREST TIME** _____

INSTRUCTIONS: Score minor for each factor below and enter the appropriate score in spaces provided in the right hand column.

FACTOR		*SCORE*
1. MOST SERIOUS INSTANT OFFENSE (Score one charge only)		
Serious Violent Offenses		
WIC 707(b) offenses	10	
Other listed violent offenses	7	
Narcotics/Weapons Offenses		
Possession of firearms	10	
Sale of narcotics/drugs	7	
Possession of narcotics/drugs for sale	6	
Felony possession of narcotics/drugs	5	
Misdemeanor possession of narcotics/drugs	3	
Property Offenses		
Felonies	5	
Misdemeanors	3	
All Other Crimes or Probation Violations	0	_____
2. NUMBER OF PRIOR ARRESTS, LAST 12 MONTHS		
Prior felony arrest within the last 7 days	5	
6 or more total arrests, last 12 months	3	
4 to 5 total arrests, last 12 months	2	
1 to 3 total arrests, last 12 months	1	
No arrests within the last 12 months	0	_____
3. PROBATION/PETITION STATUS		
Active cases (select only one score)		
With petition now pending	6	
With last adjudication within 90 days	4	
With last adjudication more than 90 days ago	2	
Not an active case	0	_____
4. SPECIAL DETENTION CASES (Check whichever applies)		
Escapee_____ Failed placement_____ Transfer In _____		
Arrest Warr_____ Bench Warr_____ Court Order _____		
Other (describe) _____	10	
Not Applicable	0	

DETAIN RELEASE DECISION SCALE

Score 0-9 = RELEASE Score 10+ = DETAIN ***TOTAL SCORE*** _____

ACTIVITY MASTER #6.1

Legal-Ease for Chapter 6

The law has a special language of its own. Below are definitions of some legal terms you will find in this chapter. Study them and watch for them in your reading. If you come across other terms you need help with, look them up in the glossary at the back of the book.

criminology. The study of crime.

discretionary jurisdiction. The power of some appeals courts, such as the U.S. Supreme Court, to accept or refuse to hear particular appeals.

due process. Under The Fifth and 14th amendments, the basic requirement that no person can be deprived of life, liberty, or property without a fair trial. This means both fair laws and fair procedures must be used.

forfeiture. The legal confiscation of assets, which were either used in or derived from illegal activity.

incarceration rate. The number of prisoners per 100,000 population.

vigilantes. Persons who take the law into their own hands and punish suspected lawbreakers.

white-collar crime. A class of property crimes which are usually job-related, such as embezzlement, bribery, and consumer fraud.

ACTIVITY MASTER #6.2
Fighting Crime in the City of Athena, part one

Name _____ Date_____

Ranking the Proposals

Rank the six proposals in order of which would be the most effective at fighting crime in the city.

MOST EFFECTIVE
1.
2.
3.
4.
5.
6.

Rank the six proposals again, this time in order of which would be the most effective for the *least amount of money.*

MOST COST-EFFECTIVE
1.
2.
3.
4.
5.
6.

ACTIVITY MASTER #6.3
Fighting Crime in the City of Athena, part two

Name _____ Date_____

Program Awards

Use this sheet to keep track of the awards for the various programs. Remember the total awards must add up to $120,000.

Program	Request	Award
Police Aides	$72,000	
Force One Security Patrol	$ 96,720	
Self-Defense Classes	$ 27,000	
Crime Prevention Seminars	$ 45,000	
Citizenswatch Patrols	$ 22,700	
Crimescope Hotline	$ 49,910	
TOTAL	$313,330	$120,000

V. TEST MASTERS AND ANSWER KEYS

The following test masters and answer keys are designed to serve as a part of assessing student performance in obtaining the content and skills objectives of *Criminal Justice in America*.

The Opinion Master is designed to assess student opinion on a range of issues relating to criminal justice. Teachers are encouraged to administer the survey before instruction begins and at its completion. Students then can compare any shifts in opinion or attitudes. When the survey is given a second time, students also can be asked to write short essays explaining their responses to the various items. These essays can be used as a part of the final evaluation.

In addition, there are six master tests (one for each chapter) and a final test. Test items include true and false, matching, multiple choice, fill-in, short answer and essay. Each type of item has a consistent point scale, but the total points on each test do not add up to 100. Teachers are encouraged to convert raw scores into percentages on a test-by-test basis or on the basis of total points for all tests administered. To better assure testing integrity, teachers are also encouraged to reproduce and collect tests each time they are administered.

In developing these tests, every effort was made to link the items to the stated objectives and develop items that would test a range of performance, including recall, identification, comprehension, comparison, analysis, and evaluation. However, since the needs of individual classes vary, teachers are also encouraged to create their own items to supplement those that are provided.

Finally, it is important that these tests serve as only one component in assessing student performance. Teachers should also consider class participation, responses to directed discussions, participation, and group and individual product in activities, performance in writing activities, reports, and field work and extra-credit accomplishments in making a final evaluation of student achievement.

OPINION MASTER

Pre and Post Observations

Next to each statement below, write the number that indicates the degree of your agreement or disagreement with the statement.

5—strongly agree

4—agree

3—uncertain

2—disagree

1—strongly disagree

(1)____ The government should provide compensation to victims of violent crimes.

(2)____ The verdict "not guilty by reason of insanity" should be abolished.

(3)____ Those arrested and charged with crimes should be held in jail until guilt or innocence is decided at their trials.

(4)____ People accused of crimes have too many rights.

(5)____ People suspected or accused of crimes should NOT have to answer questions from police.

(6)____ Juveniles under 16 accused of crimes should be treated differently from adults accused of crimes.

(7)____ Criminal defendants should be treated as if they are innocent until they are proven guilty in a court of law.

(8)____ Judges, rather than police, should have the final say about whether police should search a person's home.

(9)____ If the police obtain evidence illegally, it should still be allowed to be used in a trial.

(10)___ Longer prison terms would deter crime and cause crime rates to drop.

(11)___ Juveniles under 16 who are convicted of first-degree murder should be subject to the death penalty.

(12)___ The death penalty should be abolished.

TEST 1 MASTER

Name _____ Date _____

Test for Chapter 1

TRUE or FALSE (2 points each):

____ (1) Most states have laws for compensating victims of violent crimes.

____ (2) Except for the last 30 years, the United States has experienced relatively little violent crime in its history.

____ (3) Compared to males, females are responsible for few violent crimes.

____ (4) Many swindlers rely on the victim trying to get something for nothing.

MULTIPLE CHOICE QUESTIONS (4 points each):

____ (5) Which of the following is NOT an affirmative defense?

a. John claims he didn't do it.

b. John claims he acted in self-defense.

c. John claims the police entrapped him.

d. John's lawyer claims John is insane.

e. Both a and d

____(6) Which of these crimes is most likely NOT to be reported to the police?

a. Rape

b. Robbery

c. Auto theft

d. Homicide

e. Both a and c

FILL IN THE BLANKS (6 points each):

(7) When a criminal is forced to pay back a victim directly, it is called _____.

(8) _____ are more serious crimes than misdemeanors.

(9) _____ is another name for theft.

(10) Many police departments have _____ squads to investigate con games.

SHORT ANSWER QUESTIONS (10 points each):

(11) List the four basic elements that make up every crime.

(12) List four homicide offenses in the order of most serious to least serious.

(13) Compare and contrast burglary and robbery. Give an example of each.

ESSAY QUESTION (25 points):

(14) Imagine that legislators in your state are considering replacing the verdict of "not guilty by reason of insanity" with "guilty but mentally ill." Write an essay supporting or opposing this change. In your essay, discuss the following points:

- what the two verdicts mean (5 points);
- the pros and cons of both (10 points);
- the reasons you believe as you do (10 points).

TEST 2 MASTER

Name _____ Date _____

Test for Chapter 2

TRUE or FALSE (2 points each):

____(1) Like most other nations, the United States has one national police force that enforces all laws throughout the nation.

____(2) Police officers have many other tasks besides enforcing the law.

____(3) If your neighbor Sam breaks into your house, he has violated your constitutional right to privacy.

____(4) Police may use whatever level of force is reasonable and necessary to make an arrest.

____(5) Police have the right to shoot any person fleeing after committing a crime.

MULTIPLE CHOICE QUESTIONS (4 points each):

____(6) Which creates rules of criminal procedure?

a. U.S. Supreme Court
b. State and federal appeals courts
c. State statutes
d. Federal statutes
e. All of the above

____(7) Which of the following meets the Supreme Court's definition of a search?

a. From the sidewalk, a police officer sees a marijuana plant growing in a yard.
b. The police walk through a cornfield on a large farm and find marijuana growing.
c. The police look through the dump and find letters that Sam has thrown away.
d. The police stop Phil on the street and ask him a few questions.
e. After getting George's consent, the police look through George's house.

____(8) Which of the following is NOT a legal search?

a. Late at night, near the scene of a robbery, police stop Sam, pat him down, feel a soft bag in his pocket, pull it out, and find marijuana.
b. Police lawfully arrest George, search the knapsack he is carrying, and find a handgun.
c. Police search Phil's car for drugs. They have probable cause for the search, but no warrant.
d. Police chase Harry, who has just robbed a liquor store. They follow Harry to his house, order him out, and break down the door when he refuses.
e. Police, with probable cause, obtain a search warrant and search Marty's house.

____ (9) Which of the following statements requires a *Miranda* warning for it to be admissible in court?

a. Stopping Sam for speeding, the police ask him why he was driving so fast. He replies: "I just robbed a bank."

b. Police handcuff George outside a liquor store. He shouts, "I confess! I robbed the store."

c. Police trace a bomb threat to Bob's phone. They arrest Bob and demand to know where the bomb is located. Bob says, "On the third floor of the office building in a file cabinet."

d. Suspicious about Phil's behavior, police stop him and ask what he's doing. He replies, "You will find out sooner or later. I just killed Dan."

e. Police arrest Fred for breaking into a house. In the squad car they ask him why he did it. He replies, "I needed cash to buy drugs."

FILL IN THE BLANKS (6 points each):

(10) Criminal _____ sets out the rules for processing someone through the criminal justice system.

(11) The _____ Amendment to the U.S. Constitution is the source of procedures about police searches.

(12) Another word for questioning is _____.

(13) Police normally need a _____ to search a house.

SHORT ANSWER QUESTIONS (10 points each):

(14) Define probable cause.

(15) Define and give examples of a seizure.

(16) List one method used to discipline problem police officers. Give a strength and weakness of this method.

(17) What is the difference between community policing and motorized rapid response?

ESSAY QUESTION (25 points):

(18) Write an essay supporting or opposing this statement: "The exclusionary rule should be abolished." In your essay, discuss the following points:

- what the exclusionary rule is (10 points);
- two reasons for supporting it (5 points);
- two reasons for opposing it (5 points); and
- your reasons for supporting or opposing it (5 points).

Name _____ Date _____

Test for Chapter 3

TRUE or FALSE (2 points each):

(1) ____ The preliminary hearing or grand jury determines whether there is enough evidence to hold a defendant for trial.

(2) ____ Juries are supposed to base their verdicts solely on the evidence presented during the trial.

(3) ____ Many criminal suspects are tried and convicted only with circumstantial evidence.

(4) ____ In most situations, all evidence will be admitted into a trial unless an attorney objects that it violates one of the rules of evidence.

(5) ____ To prove a defendant is guilty of a crime, the state must prove its case beyond a reasonable doubt.

MULTIPLE CHOICE QUESTIONS (4 points each):

(6) ____ Which is NOT circumstantial evidence that Sam shot George.

a. George was shot with Sam's gun.

b. A neighbor saw Sam shoot George.

c. Sam was caught outside George's house right after the murder.

d. Sam's fingerprints were found inside George's house.

e. Sam told people he wanted to kill George.

(7) ____ Which of the following may a judge take into consideration in setting bail?

a. the crime

b. the past record of the accused

c. the likelihood that the defendant will appear in court.

d. all of the above

e. a and b only.

(8) ____ Who ultimately decides what charges to bring against criminal suspects?

a. arresting officer

b. police captain

c. prosecutor

d. mayor

e. a or b

FILL IN THE BLANKS (6 points each):

(9) After an attorney calls and questions a witness, the other side gets to _____ the witness.

(10) Most people arrested are entitled to be released on _____.

SHORT ANSWER QUESTIONS (10 points each):

(11) Compare and contrast first-degree murder and second-degree murder.

(12) Compare and contrast peremptory challenges and challenges for cause.

(13) Draw and label a diagram of a typical courtroom. Include prosecution and defense tables, jury box, judge's bench, spectator seats, clerk's desk, and witness stand.

ESSAY QUESTION (25 points):

(14) Write an essay explaining the following steps in a criminal case: ARRAIGNMENT, INITIAL APPEARANCE BEFORE A JUDGE, DEFENDANT'S CASE IN CHIEF, JURY SELECTION, PROSECUTION'S CASE IN CHIEF. In your essay, do the following:

- Put each step in the proper order (5 points).
- Describe the step (10 points).
- Tell its purpose (10 points).

TEST 4 MASTER

Name _____ Date _____

Test for Chapter 4

TRUE or FALSE (2 points each):

(1) ____ Because of high rates of recidivism and public demand to get tough on criminals, the corrections system turned away from rehabilitation during the 1980s.

(2) ____ If a convict is caught violating probation, the convict automatically goes to prison.

(3) ____ Non-violent offenders can be sentenced to perform community service.

(4) ____ Some prisons in the United States are privately owned.

(5) ____ The American public has always overwhelmingly supported the death penalty.

MULTIPLE CHOICE QUESTIONS (4 points each):

(6) ____ Which of these is NOT an example of a community-based correctional facility?

a. boot camp

b. halfway house

c. residential care facility

d. group home

e. drug treatment center

(7) ____ Which of these is NOT a problem that community-based correctional programs face?

a. Lack of funding

b. Difficulty in handling habitual and violent criminals

c. Community alarm about safety and property values

d. Higher costs than maximum-security facilities.

e. None of the above.

(8) ____ Which of the following is currently a major problem in U.S. prisons?

a. overcrowding

b. racial gangs

c. idleness of prisoners

d. danger of prison revolts

e. all of the above

(9) ____ Which of the following punishments was NOT used in Colonial America?

a. stocks and pillory

b. penitentiary

c. ducking stool

d. branding and mutilation

e. public humiliation

(10) ____ Which Western democracies still have the death penalty for criminals?

a. the United States

b. Great Britain

c. Italy

d. all of the above

FILL IN THE BLANKS (6 points each):

(11) _____ punishments are forbidden by the Eighth Amendment to the U.S. Constitution.

(12) What country has the highest incarceration rate in the world? _____

SHORT ANSWER QUESTIONS (10 points each):

(13) Compare and contrast probation and parole.

(14) Describe some common difficulties ex-convicts face when they are released from prison.

ESSAY QUESTIONS (20 points each):

(15) Write an essay on THREE different kinds of sentencing laws: (a) fixed sentences, (b) indeterminate sentences, and (c) sentencing guidelines. In your essay, do the following:

- Define and give an example of each (5 points).
- Explain a strength and weakness of each (5 points).
- Explain which kind of sentencing law you believe is best (5 points).
- Support your conclusion with reasons (5 points).

(16) Choose TWO of the five major theories of punishment (Rehabilitation, Restitution, Incapacitation, Deterrence, Retribution) and write an essay which covers the following points:

- Explain two of the theories (5 points).
- Give an example of both (5 points).
- Explain a strength and weakness of each (5 points).
- Explain which theory comes closest to your idea of what is just (5 points).

Name _____ Date _____

Test for Chapter 5

TRUE or FALSE (2 points each):

(1) ____ The main goal of the juvenile justice system has traditionally been rehabilitation.

(2) ____ The U.S. Supreme Court has ruled that juveniles under age 18 cannot be executed.

(3) ____ One of the problems cited by the Office of Juvenile Justice and Delinquency Prevention is the large number of minority youths held in custody.

MATCHING (3 points each):

Match the term from the juvenile justice system with the adult system's equivalent term.

Juvenile court term	**Adult system term**
(4) ____ adjudicatory hearing	A. arrest
(5) ____ aftercare	B. crime
(6) ____ delinquent act	C. parole
(7) ____ finding of delinquency	D. sentencing hearing
(8) ____ dispositional hearing	E. trial
(9) ____ take into custody	F. verdict of guilty

MULTIPLE CHOICE QUESTIONS (4 points each):

(10) ____ A juvenile justice system, separate from the adult system, was developed in most states by about
- a. 1820
- b. 1850
- c. 1920
- d. 1960

(11) ____ Which is NOT currently a problem of prehearing detention in most jurisdictions?
- a. Juvenile detention facilities are overcrowded.
- b. It is very expensive to detain juveniles.
- c. Juveniles in custody face danger from other juveniles.
- d. Juveniles in custody are at high risk of suicide.
- e. Juveniles are mixed with adults.

(12) ____ The U.S. Supreme Court decision that changed the juvenile justice system is

a. *Gault*
b. *McKeiver*
c. *Miranda*
d. *Mapp*
e. *Schall*

(13) ____ Which of the following age groups has the highest rate for committing violent crimes?

a. 18 to 24 year olds
b. 30 to 45 year olds
c. 50 to 60 year olds
d. There is no significant difference among the groups.

(14) ____ In *New Jersey v. TLO*, the U.S. Supreme Court held that school officials can search a student only if

a. they have a search warrant
b. they have probable cause
c. they have the principal's permission.
d. it is reasonable under the circumstances.
e. both a and b

DEFINE (5 points each):

(15) Fitness hearing

(16) *Parens patriae*

(17) Status offense

SHORT ANSWER QUESTIONS (10 points each):

(18) List TWO options judges have in sentencing juveniles and briefly describe each.

1.

2.

(19) Read the following fact situation. Based on what you know about the rights of juveniles in juvenile court, list TWO violations of the juvenile's rights under the U.S. Constitution. (There are a total of four violations. For extra credit, you may list one or two other violations.)

A neighbor accuses Sam of writing graffiti on a wall. Taken into custody, Sam is held without bail. After two days, he is released into his parents' custody. A petition is filed against him claiming he is a delinquent minor, but the petition does not mention any specific charges against Sam. At his hearing, Sam demands a jury trial, but the judge refuses. Conducting the case without a jury, the judge orders Sam to testify. Sam denies any wrongdoing. A police officer testifies next and states that the neighbor saw Sam painting graffiti on a wall. After hearing only these two witnesses, the judge rules Sam delinquent because a preponderance of the evidence is against him. The judge orders that Sam be placed in a juvenile detention facility.

Violation #1:

Violation #2:

Violation #3 (5 points extra credit):

Violation #4 (5 points extra credit):

(20) What are some differences between the California and Massachusetts approach to juvenile corrections? What are potential problems of each? Which do you think works better? Why?

ESSAY QUESTION (25 points):

(21) Should juveniles convicted of murder be subject to the death penalty? In your essay, do the following:

- discuss the current state of the law on this subject (15 points).
- give reasons for and against imposing the death penalty on juvenile offenders (5 points).
- give your opinion with reasons supporting it (5 points).

TEST 6 MASTER

Name _____ Date _____

Test for Chapter 6

TRUE or FALSE (2 points each):

(1) ____ Experts are in unanimous agreement about what causes violent crime.

(2) ____ About half of all persons convicted of violent crimes drank alcohol shortly before committing their crime.

(3) ____ All other Western democracies have stricter national gun-control laws than the United States.

(4) ____ Neighborhood Watch programs have proven successful in reducing crime.

(5) ____ The homicide rate in the United States is lower than in other Western nations.

MULTIPLE CHOICE QUESTIONS (4 points each):

(6) ____ In which stage of the criminal justice system have studies shown that racial disparities exist?
- a. plea bargaining
- b. jury verdicts
- c. sentencing
- d. death penalty
- e. all of the above

(7) ____ Which branch of the federal government is responsible for addressing the crime problem?
- a. Legislative branch
- b. Executive branch
- c. Judicial branch
- d. a, b, and c
- e. a and c

(8) ____ Which time period had the worst crime problem for U.S. schools?
- a. 1950 to 1967
- b. 1968 to 1971
- c. 1972 to present
- d. No difference in crime in these periods.

SHORT ANSWER QUESTIONS (10 points each):

(9) List three possible causes of crime. Briefly explain which cause you think is most important and why.

(10) List in order the courts that a criminal defendant in a state trial court would have to go through before an appeal would reach the U.S. Supreme Court.

1. State trial court
2. _____
3. _____
4. U.S. Supreme Court

ESSAY QUESTIONS (20 points each):

(11) Write an essay supporting or opposing this statement: "Civil asset forfeiture should be eliminated." In your essay, discuss the following points:

- What civil asset forfeiture is and how it differs from criminal forfeiture (5 points).
- Reasons for supporting it (5 points).
- Reasons for opposing it (5 points).
- Your reasons for supporting or opposing it (5 points).

(12) Write an essay supporting or opposing this statement: "There should be strict national gun control laws." In your essay, discuss the following points:

- The problem gun control laws attempt to solve (5 points).
- Reasons for supporting gun control (5 points).
- Reasons for opposing it (5 points).
- Your reasons for supporting or opposing it (5 points).

POST TEST MASTER

Name _____ Date _____

Final Test for *Criminal Justice in America*

TRUE or FALSE (2 points each):

(1) ____ The FBI's Uniform Crime Reports is based on reports from police departments across the country.

(2) ____ When a criminal is forced to pay back a victim directly, it is called restitution.

(3) ____ Almost every state has laws providing compensation for victims of violent crimes.

(4) ____ Except for the last 30 years, the United States has experienced relatively little violent crime in its history.

(5) ____ Crime in schools today is far worse than it was during the 1960s.

(6) ____ Intent is not an element of most crimes.

(7) ____ Robbery is another word for burglary.

(8) ____ Police do not normally need a search warrant to search a house.

(9) ____ Police have the right to shoot any person fleeing after committing a crime.

(10) ____ In a criminal trial, the prosecutor presents the government's case against the defendant.

(11) ____ A physical object, such as a weapon, can be evidence at a trial.

(12) ____ Criminal suspects can be tried and convicted on the basis of circumstantial evidence.

(13) ____ In most situations, evidence will be admitted into a trial unless an attorney objects that it violates one of the rules of evidence.

(14) ____ Evidence must be relevant to an issue in a trial.

(15) ____ A common objection to testimony at a trial is that it is hearsay.

(16) ____ Attorneys cross-examine the witnesses they call to the stand.

(17) ____ A defendant in a criminal action is presumed to be innocent until proved guilty.

(18) ____ The percentage of persons imprisoned in America is lower than in most countries in the world.

(19) ____ Probation is another word for parole.

(20) ____ Some prisons in the United States are privately owned.

(21) ____ Some states have outlawed the death penalty.

(22) ____ Juveniles can be taken into custody for offenses that adults cannot be taken in for.

(23) ____ The U.S. Supreme Court has ruled that juveniles under the age of 18 cannot be executed.

(24) ____ Experts agree about what causes violent crime.

(25) ____ All Western democracies have stricter national gun-control laws than the United States.

FILL IN THE BLANKS (4 points each):

(26) In _____ policing, police walk foot patrols to get to know the community better.

(27) The _____ Amendment to the U.S. Constitution forbids cruel and unusual punishments.

(28) The main goal of the juvenile justice system has traditionally been _____.

(29) If a police undercover agent talks you into committing a crime, you may defend yourself at trial by claiming you were _____.

(30) The _____ Amendment to the U.S. Constitution is the source of procedures about police searches.

(31) The _____ rule prohibits the introduction of illegally seized evidence at trials.

(32) In the case of _____ *v. Arizona*, the Supreme Court held that, before police can question suspects in custody, they must read them their rights.

(33) At the _____, the defendant pleads to the charges.

(34) To prove someone guilty of a crime, the state must prove its case _____.

(35) _____ are citizens who illegally take the law into their own hands and punish lawbreakers.

(36) Institutions that confine large numbers of juvenile offenders are known as _____ schools.

(37) The death penalty is also known as _____ punishment.

(38) _____ are more serious crimes than misdemeanors.

(39) Under civil _____ laws, strange case names, such as *U.S. v. One 1994 Toyota Camry*, often result.

(40) Trials in juvenile court are called _____ hearings.

SHORT ANSWER QUESTIONS (10 points each):

(41) Explain what an affirmative defense is. Give two examples.

(42) Explain the exclusionary rule. Give an example of how it works.

(43) Name two objections a lawyer can make to a witness's testimony. Explain what they mean.

(44) Compare and contrast determinate and indeterminate sentences.

(45) Compare and contrast civil and criminal forfeiture.

ESSAY QUESTIONS (25 points each):

(46) You have read about many problems in the criminal justice system. Write an essay on one of these problems. In your essay:

- Explain in detail what the problem is (10 points).
- Propose your solution to the problem (10 points).
- Give reasons supporting your solution (5 points).

(47) Write an essay giving your opinion on **one** of the following statements—A, B, or C. In your essay include:

- Arguments in favor (5 points);
- Arguments opposed (5 points);
- Your opinion supported by at least two reasons (10 points).

A. There are too many restrictions on police behavior.

B. Mandatory minimum sentences should be abolished.

C. The criminal justice system unfairly discriminates against minority groups.

TEST ANSWERS

Test for Chapter 1

(1) T

(2) F

(3) T

(4) T

(5) a

(6) a

(7) restitution

(8) Felonies

(9) Larceny

(10) bunco

(11) prohibited act + intent + concurrence of act and intent + causation

(12) first-degree murder, second-degree murder, voluntary manslaughter, and involuntary manslaughter.

(13) Both are forms of stealing. A robber uses force or a threat of force to steal from someone. For example, a robber holds up a liquor store. A burglar illegally enters a structure to commit a crime, usually a theft. For example, a burglar breaks into a house and steals a televisions set.

(14) Students should touch on the following points:

- Both verdicts keep people in mental hospitals until they are well.
- Under a verdict of GBMI, a person serves a particular term whereas under NGBRI a person can be released when recovers.
- GBMI assigns criminal guilt while NGBRI assigns no guilt for the action.
- On the pluses and minuses of both, accept any reasonable answer in addition to:
  - NGBRI makes people only responsible for what they can control, but insanity is difficult to define and may be subject to abuse.
  - GBMI makes all people responsible for their actions, which could be too severe if not in control. It prevents abuse and people getting off.
- On the reasons they believe as they do, accept any reasoned response.

Test for Chapter 2

(1) F

(2) T

(3) F

(4) T

(5) F

(6) e

(7) e

(8) a

(9) e

(10) procedure

(11) Fourth

(12) interrogation

(13) warrant

(14) Probable cause means that evidence must be strong enough that an independent, cautious person would have good reason to believe it.

(15) A seizure is the taking of objects or persons into custody. Examples: an arrest, taking evidence during a search.

(16) Possible answers for methods: criminal law (strength: strong punishment; weakness: applies to few cases, difficult to prove case, etc.), civil lawsuits (strength: monetary damages can force departmental change; weakness: difficult to get verdicts, cumbersome); review boards (strength: handles all sorts of complaints; weakness: often lack power or accused of being too close to police).

(17) Community policing stresses placing officers in the community to get to know the community and community members. Motorized rapid response focuses on sending officers rapidly to trouble spots.

(18) Be sure students touch on the following points:

- Meaning: The exclusionary rule bars illegally obtained evidence from use in criminal trials.
- Reasons for supporting it: Promotes judicial

integrity and deters illegal behavior.

- Reasons for opposing it: Hampers fight against crime and makes no sense to let person go free because police made a mistake.
- Their reasons: Accept any reasoned response.

Test for Chapter 3

(1) T

(2) T

(3) T

(4) T

(5) T

(6) b

(7) d

(8) c

(9) cross-examine

(10) bail

(11) Both require malice aforethought. But first-degree murder also requires premeditation.

(12) Both challenges are attorney requests to the court that a potential juror not serve on the jury. A peremptory challenge can be made for any reason, but each attorney has a limited number of these challenges. Challenges for cause, on the other hand, must be made for a good legal reason, such as bias. There is no limit to the number of challenges for cause.

(13) This is a diagram of a courtroom. Make sure the witness stand is on either side of the judge's bench next to the jury box. The drawing should include prosecution and defense tables, jury box, judge's bench, spectator seats, clerk's desk, and witness stand.

(14) The steps should be arranged in the following order:

FIRST APPEARANCE: A defendant's first pretrial hearing. It has several purposes: To inform the defendant of charges, rights, and to set the amount of bail, if any.

ARRAIGNMENT: At this pretrial hearing, the judge reads the charges to the defendant and asks for a plea. The purpose is to determine what the plea is. If guilty, there will be no trial.

JURY SELECTION: The first step at a trial. Jurors are subject to voir dire questioning. Purpose: To assure an impartial jury.

PROSECUTION'S CASE IN CHIEF: The evidence presented by the prosecution. Purpose: To convince the jury of the defendant's guilt.

DEFENDANT'S CASE IN CHIEF: The defendant's evidence. Purpose: To sow doubt in the minds of jurors, present alibis, or assert affirmative defenses.

Test for Chapter 4

(1) T

(2) F

(3) T

(4) T

(5) F

(6) a

(7) d

(8) e

(9) b

(10) a

(11) Cruel and unusual

(12) U.S.A.

(13) Similar: Supervision of convicted offenders.

Different: Court makes probation part of sentence. Parole granted during sentence by parole board.

(14) Getting a job, not falling back into old patterns, gaining acceptance from society, etc.

(15) (a) fixed sentences: judges determine the amount of time to be served at the time of sentencing, e.g. 5 years in prison (strength: prisoner knows how much time will be served, more equity in sentences; weakness: prisoner is released whether he or she is rehabilitated or not).

(b) indeterminate sentences: the sentence is stated as a range of years and the parole board determines the release date, e.g. sentence of 5 to 15 years (strength: the sentences tailored to

individual prisoners; weakness: dissimilar sentences for similar crimes).

(c) sentencing guidelines: some sort of formula that judges apply mechanically, e.g. Minnesota grid (strength: equity in sentencing; weakness: little room to tailor the sentence to each individual).

- Make sure students support their conclusion with reasons.

(16)• Rehabilitation: treat and reform lawbreakers, e.g. a person who commits a crime receives counseling, education, and job training. Strength: Seeks to change the individual so he or she will not commit more crimes. Weakness: Critics say it doesn't work.

- Restitution: repayment, e.g. the offender repays the victim. Strength: victim is repaid. Weakness: Cannot repay for violent crimes.
- Incapacitation: Isolate criminals. Strength: Protects citizens. Weakness: Most criminals will return to society so protection is only temporary.
- Deterrence: Prevent further crimes by making an example, e.g. Sam is sentenced to 10 years in prison for spitting on the sidewalk. This will make Sam and others think twice before spitting. Strength: Keeps people from committing crimes. Weakness: Critics argue that most criminals do not expect to be caught, and therefore they aren't deterred.
- Retribution: revenge, e.g. Sam kills George so Sam must die. Strength: Advocates say victim has a right to get even. Weakness: Some say retribution is primitive and does not address the need to reform criminals or protect the innocent.
- Make sure students support their conclusion with reasons.

Test for Chapter 5

(1) T

(2) F

(3) T

(4) E

(5) C

(6) B

(7) F

(8) D

(9) A

(10) c

(11) e

(12) a

(13) a

(14) d

(15) A hearing to determine whether a juvenile should be tried as an adult.

(16) The doctrine that the state takes the role of parents in supervising children.

(17) An offense, such as running away from home, which would not be an offense if it were committed by an adult.

(18) Student should answer with two of the following:
Juvenile detention centers: Facilities where juveniles are first brought.
Training schools: large reform schools.
Small, secure residential facilities: Holding few juveniles and equal numbers of staff.
Camps and ranches: Secure facilities in rural areas.
Boot camps: Similar to Army basic training.
Wilderness programs: Rigorous outdoor programs which build self-esteem and teamwork.
Group homes or halfway houses: Group homes with counseling and house rules.
Substance -abuse treatment centers: Residences focusing on treating drug and alcohol abuse.
Foster homes: Families take juveniles into their homes.

In-home placement: Juveniles return to their homes.

Day treatment programs: Juveniles live at home but attend programs for a specific length of time.

Intensive probation: Probation officers meet frequently with juveniles.

Probation: Probation officers supervise juveniles.

Summary probation: Juveniles released under parental supervision as long as they behave.

(19) Violation #1: Charges not mentioned in petition.

Violation #2: Sam compelled to testify.

Violation #3: No opportunity to cross-examine his accuser (the officer testified in place of the neighbor).

Violation #4: The evidence against Sam was not beyond a reasonable doubt—it was just the preponderance.

(20) • Differences: California's strategy has been to lock more juveniles in secure training schools. Massachusetts' approach has been to close down the training schools, place violent offenders in small secure facilities, and place other offenders in community placements.

• Problems: California may unwittingly be training criminals in its training schools. Massachusetts may be releasing dangerous juveniles into the community.

• Make sure students support their conclusions.

(21) • State of law: The Supreme Court has ruled that juveniles under 18 can be executed. It has in one case ruled that juveniles under 16 cannot be executed at least in cases in which the state's death penalty statute does not clearly allow for their execution.

• Reasons supporting and opposing: Accept any reasonable responses.

• Make sure students support their opinion.

Test for Chapter 6

(1) F

(2) T

(3) T

(4) T

(5) F

(6) e

(7) d

(8) c

(9) Accept any well-reasoned answer.

(10) 2. State appeals court

3. State supreme court

(11) • Definition: Civil asset forfeiture laws allow law-enforcement to seize assets based on probable cause of criminal activity surrounding the asset. If no one objects, the asset is forfeited to the government. If someone does, the person must prove by a preponderance of evidence either that assets had nothing to do with criminal activity or that the person is an innocent owner.

• Differ from criminal forfeiture: In criminal forfeiture a defendant must be found guilty of a crime.

• Reasons for supporting and opposing it: Accept any reasonable responses.

• Make sure students support their opinions.

(12) • Gun control laws attempt to reduce violent crime.

• Reasons for supporting or opposing: Accept any reasonable responses.

• Make sure students support their opinions.

Final Test

(1) T

(2) T

(3) T

(4) F

(5) T

(6) F

(7) F

(8) F

(9) F

(10) T

(11) T

(12) T

(13) T

(14) T

(15) T

(16) F

(17) T

(18) F

(19) F

(20) T

(21) T

(22) T

(23) F

(24) F

(25) T

(26) community, community-based, OR community-oriented

(27) Eighth

(28) rehabilitation

(29) entrapped

(30) Fourth

(31) exclusionary

(32) *Miranda*

(33) arraignment

(34) beyond a reasonable doubt

(35) vigilantes

(36) training

(37) capital

(38) Felonies

(39) forfeiture

(40) adjudicatory

(41) An affirmative defense, if proven, will prevent a guilty verdict even though the prosecution proves every element of the crime. Examples: insanity, self-defense, entrapment.

(42) Meaning: The exclusionary rule bars illegally obtained evidence from use in criminal trials. E.g. if a police officer makes an illegal search of Sam's house and finds a gun, the gun cannot be introduced as evidence at Sam's trial. The defense attorney will make a motion to suppress the evidence.

(43) The objection should be **two** of the following and defined:

Hearsay

Irrelevant

Beyond the scope of direct examination

Lack of personal knowledge

Badgering the witness or argumentative

Leading question

Opinion

Lack of foundation

Character not an issue

(44) These are sentences that judges impose. A determinate sentence marks a set amount of time in prison, e.g. five years. An indeterminate sentence gives a range of years, e.g. one to five years and the parole board determines when the prisoner will be released.

(45) They both allow the government to take assets from individuals. In criminal forfeiture, a defendant's assets may be forfeited as part of a sentence imposed on conviction for a crime. In civil forfeiture, police can seize assets based on probable

cause of criminal activity surrounding the asset. If no one objects, the asset is forfeited to the government. If a person does, the person must prove by a preponderance of evidence either that the assets had nothing to do with criminal activity or that the person is an innocent owner.

(46) Make sure students explain the problem in detail and support their solution.

(47) A. Make sure students give two examples of restrictions on police behavior, reasons supporting and opposing the restrictions, and support their conclusion.

B. • Mandatory minimum sentences remove judicial discretion and require prison terms for certain crimes or criminals.

• Reasons for: Sentences consistent; assure punishment.

• Reasons against: Can be unfair; do not take individual and situation into account.

• Make sure students support their opinion.

C. Make sure students identify two problem areas, give reasons supporting and opposing racism as the cause, and support their viewpoint.

VI . RESOURCES

General Resources

The Department of Justice offers various free publications and experts who answer questions. Contact:

Crime and Justice Data at (800) 732-3277

BJS section of the NCJRS electronic bulletin board for latest data releases (301) 738-8895

Drugs and Crime Data at (800) 666-3332

Juvenile Justice Clearinghouse at (800) 638-8736

Court TV, available on cable television, broadcasts current important trials in America.

Your local bar association probably can guide you to resource persons for your class.

The American Bar Association's Committee on Youth Education for Citizenship publishes the following materials on Law-Related Education:

Update on Law-Related Education

Update on the Courts

Update, Student Edition

LRE Report

For information on these publications, write for the free publications brochure to:

ABA/YEFC
541 North Fairbanks Ct.
Chicago, IL 60611-3314

Contact your state coordinator of law-related education. The coordinator will have information on law days, mock trials, teacher education, judge and lawyer in the classroom programs, mentor programs, and teen courts.

Resources for Particular Chapters

The following resources may help enrich particular chapters in the book. Many are available from CRF at (800) 488-4CRF.

1

National Association of Crime Compensation Boards at (703) 370-2996

2

You can get recent U.S. Supreme Court decisions directly from the court. Call the public information office at (202) 479 3000.

CRF's "Police Patrol: A Simulation." This simulation parallels the Police Call activity in the text. Police Patrol includes 12 simulation activities which, when acted out, can help dispel common misconceptions about police practices. It also contains materials outlining the basic law, procedures, and issues affecting police work which will promote a better understanding of the procedures police officers follow.

CRF's "How To Use A Law Library." This pamphlet offers students step-by-step instructions for conducting legal research in a law library. Students apply four basic methods of research: by topic, by descriptive word, by case, and by words and phrases. In addition, they are instructed in procedures for locating cases, finding federal and state statutes, and interpreting case notations.

CRF's *Reviewing the Verdict: Issues of the Police, Justice and Change*. This multi-media package helps students understand the Rodney King beating trial and its related issues. The materials consist of a student book, instructor's guide, and a supplementary videotape of a discussion about the trial aired on NBC's Today Show. The instructor's guide offers various options for teachers to present the materials, including role-plays and simulations, directed discussions, use of outside resource persons, and small-group work.

3

CRF's Mock Trials. Every year CRF publishes California's State Mock Trial on different legal issues. If you want your students to do more trial work, these are a perfect resource. Each CRF Mock Trial includes the facts of the case, role descriptions, applicable law, witness statements, legal documents, complete trial instructions, and suggestions for extended classroom exercises. Included in each case is an optional pretrial motion which helps students develop a deeper understanding of constitutional issues related to the criminal trial process.

Since each mock trial is self-contained, there is no need for students to do outside research. Below is a listing of mock trials available as of this date.

People v. Whitman: Issues of child abduction, grand theft, and self-incrimination.

People v. Bell: Issues of free expression in song lyrics, intergroup conflict, and arson.

People v. Stover: Issues of use of force, free expression, and hate crimes.

People v. Mitchell: Issues of random alcohol stops, responsible driving, and the exclusionary rule.

People v. Haines: Issues of gun control, self-defense, and homicide.

People v. Willow: Issues of free expression and drug use.

People v. Friendly: Issues of receiving stolen property, battery on a police officer, and illegal searches.

People v. Dennis: Issues of school vandalism, computer crime, and student locker searches.

CRF's "We the Jury: A Simulation for the Classroom." This simulation parallels the "Choosing a Jury" activity in the text. Materials include voir dire procedures, attorney questioning strategies, role sheets, vocabulary worksheets, background reading on the American jury system, a complete teacher's guide with instructions and follow-up activities, and two hypothetical scenarios: People v. Walker: A Criminal Robbery Case and Woodson v. Collins: A Civil Products Liability Case.

4

CRF's "Halfway House: A Crisis in Civic Responsibility." In this classroom simulation, students role-play the parts of local residents, business leaders, journalists, ex-offenders, and city officials with conflicting views over whether a halfway house should be allowed in their residential neighborhood. Recommended for two to three class periods.

5

"Capital Punishment in the U.S.A.: Should Kids Who Kill Be Executed?" CRF's Bill of Rights in Action Vol. 7 No. 1, Fall 1990, pages 6-8. Detailed account of facts and issues of Wilkins' case.

6

"Gun Control: What Do Other Democratic Countries Do?" CRF's Bill of Rights in Action Vol. 6 No. 1, Fall 1989, pages 4-5. Compares gun control laws in the United States and other democratic countries.

"Should AK-47s Be Banned?" CRF's Bill of Rights in Action Vol. 6 No. 1, Fall 1989, pages 6-8. Discusses the issues surrounding banning semi-automatic assault weapons.

CRF's *The Drug Question: The Constitution and Public Policy*. This booklet contains a series of interactive lessons, role-plays, and court simulations which bring the crucial problem of drugs in American society into sharper focus and help students examine policy alternatives. The teacher's guide provides lesson objectives, activity instructions, an answer key, and additional background information.

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